



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNL; MNDC; LRE; FF

Introduction and Analysis

This matter was scheduled to hear the Tenants' application to cancel a Notice to End Tenancy for Landlords' Use (the Notice); compensation for damage or loss under the Act, regulation or tenancy agreement; to suspend or set conditions on the Landlords right to access the rental unit; and to recover the cost of the filing fee from the Landlords.

Both parties signed into the teleconference on September 11, 2013. Service of documents was established. Both parties gave testimony with respect to the tenancy and the Tenants' application. It was determined that the Tenants had received compensation pursuant to the provisions of Section 51(1) of the Act.

The parties disagreed with respect to the reason(s) that the Landlords wrote on the Notice for ending the tenancy. The female Landlord testified that she ticked off only one box. The Tenant JY testified that two boxes were ticked off. The Tenants provided a copy of the Notice which has two boxes ticked off. The Landlords did not provide a copy of the Notice. The Tenants indicated that they had the original Notice.

The Landlords testified that the rental unit has been sold and that the purchasers have given written notice that they require vacant possession. The Landlords did not provide a copy of the Contract of Purchase and Sale or the purchaser's written notice.

The Hearing was adjourned and Orders were made that the Tenant provide me with the original Notice and that the Landlords provide me with a copy of the Contract of Purchase and Sale and the purchaser's notice.

The matter was scheduled to be reconvened via teleconference on September 23, 2013, at 1:00 p.m. Due to administrative difficulties, the teleconference did not take place. The parties were contacted by the Residential Tenancy Branch and a new date of September 30, 2013, was set. Both parties were provided with the required telephone number and access code.

On September 30, 2013, the Landlords signed into the conference and were ready to proceed, however by 1:10 p.m., the Tenants had not yet signed into the teleconference.

Rule 10.1 of the Residential Tenancy Branch Rules of Procedure provides as follows:

Commencement of Hearing The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

As the Tenants did not sign into the conference to give testimony with respect to their application, I dismiss the Tenants' application without leave to re-apply.

The Landlords did not request an Order of Possession.

Conclusion

The Tenants' application is dismissed **without leave to re-apply**.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: September 30, 2013

Residential Tenancy Branch

