



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding CHILLIWACK KIWANIS HOUSING SOCIETY  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPC, FF; CNC, OLC

### Introduction

This hearing dealt with the landlords' application pursuant to the *Residential Tenancy Act* ("Act") for:

- an order of possession for cause, pursuant to section 55 of the Act;
- authorization to recover the filing fee for their application, pursuant to section 72.

This hearing also dealt with the tenant's cross-application pursuant to the *Act* for:

- cancellation of the landlord's two 1 Month Notices to End Tenancy for Cause, dated August 18 and 19, 2016 ("two 1 Month Notices"), pursuant to section 47;
- an order requiring the landlord to comply with the *Act*, *Residential Tenancy Regulation* ("Regulation") or tenancy agreement, pursuant to section 62.

The tenant did not attend this hearing, which lasted approximately 7 minutes. The landlord TP ("landlord") attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The landlord confirmed that he had authority to speak on behalf of the landlord company named in this application at this hearing (collectively "landlords").

At the outset of this hearing, the landlord confirmed that he did not wish to pursue the landlords' application at this hearing. He stated that the tenant had vacated the rental unit and the landlords had taken back possession and changed the locks. He also said that he was not seeking the \$100.00 filing fee paid for the landlords' application. Accordingly, the landlords' entire application is dismissed without leave to reapply.

Rule 7.3 of the RTB *Rules of Procedure* provides as follows:

7.3 Consequences of not attending the hearing: If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply.

In the absence of any submissions or appearance by the tenant, I order the tenant's entire application dismissed without leave to reapply.

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: October 18, 2016

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Residential Tenancy Branch