



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNC, FF

Introduction

This hearing was scheduled in response to the tenants' Application for Dispute Resolution, in which the tenants have applied to cancel a one month Notice ending tenancy for cause and to recover the filing fee from the for the cost of this Application for Dispute Resolution.

This matter was set for hearing at 9:00 a.m. on this date.

Residential Tenancy Branch Rules of Procedure provides:

7.1 Commencement of the dispute resolution hearing

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

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 an appearance of either party by 9:11 a.m. this application is abandoned and dismissed with leave to reapply within the legislated time limit.

I note that the Notice ending tenancy supplied as evidence indicates that the effective date of the Notice appears to have passed. An effective date can affect the right of the tenants to reapply disputing the Notice.

Conclusion

The application is dismissed with leave to reapply within the legislated time limit.
This decision is final and binding and 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: December 05, 2016

Residential Tenancy Branch

