



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MNSD, OLC, FF

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

- cancellation of a 1 Month Notice to End Tenancy for Cause (the "1 Month Notice");
- authorization to obtain a return of all or a portion of the security deposit pursuant to section 38;
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

This matter was set for hearing by telephone conference call at 1:30 pm on March 29, 2017. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the respondent. Therefore, as the applicant did not attend the hearing by 1:40 pm, and the respondent appeared and was ready to proceed, I dismiss the claim without leave to reapply.

Section 55(1) of the *Act* reads as follows:

55 (1) *If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,*

(a) the landlord makes an oral request for an order of possession, and

(b) the director dismisses the tenant's application or upholds the landlord's notice.

While the tenants application indicates they are seeking to cancel a 1 Month Notice, no Notice to End tenancy was issued by the landlord for the tenants to dispute. The evidence before me is that the tenants have vacated the rental unit. Therefore, I decline to issue an Order of Possession.

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: March 29, 2017

Residential Tenancy Branch