



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

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

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause, dated April 3, 2017 ("1 Month Notice"), pursuant to section 47.

While the respondent landlord's agent, MG ("landlord") attended the hearing by way of conference call, the applicant tenants did not, although I waited until 9:46 a.m. in order to enable the tenants to connect with this teleconference hearing scheduled for 9:30 a.m.

The landlord confirmed that he was the co-building manager of the rental unit, along with his wife, who is the landlord named in this application and that he had authority to speak on her behalf as an agent at this hearing. He also confirmed that a company owned the rental unit and he had permission to speak on its behalf as well.

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 appearance by the tenants, I order the tenants' entire application dismissed without leave to reapply.

Pursuant to section 55 of the *Act*, if I dismiss the tenants' application to cancel a 1 Month Notice, the landlord is entitled to an order of possession.

At the outset of the hearing, the landlord testified that he did not require an order of possession against the tenants because they had already vacated on May 1, 2017, he

posted a notice to enter on May 2 and he entered the rental unit on May 5. He then stated that the rental unit had been abandoned. The landlord then changed his testimony to state that he wanted an order of possession “to be sure” and because the “property manager told me to get one.” When I asked the landlord for evidence regarding why he required an order of possession, he refused to answer my questions.

I explained the order of possession issue to the landlord a number of times during the hearing and answered his questions, but he was unable to provide me with clear testimony as to why he required an order of possession. Accordingly, I do not issue an order of possession to the landlord.

The landlord also stated that he was told to obtain a monetary order against the tenants. I notified him that he would be required to file an application for dispute resolution for this claim because it was not properly before me at this hearing and I could only deal with the tenants’ application to cancel the 1 Month Notice. The landlord confirmed that he understood the above information.

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: May 11, 2017

Residential Tenancy Branch