



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for cancellation of the landlords' 2 Month Notice to End Tenancy for Landlord's Use (the "2 Month Notice"), pursuant to section 49.

This matter was set for hearing by telephone conference call at 11:00 am on this date. The line remained open while the phone system was monitored for ten minutes and the only participants who called into the hearing during this time were the respondents. Therefore, as the applicant did not attend the hearing by 11:10 am, and the respondents appeared and were ready to proceed, I dismiss the claim without leave to reapply.

While I have dismissed the tenant's application, I find that the absence of the landlords' 2 Month Notice in the written evidence prevents me from making a definitive conclusion as to the extent to which the landlords' 2 Month Notice complied with section 52 of the *Act* and was served in accordance with section 88 of the *Act*. Although I dismiss the tenant's application, I make no finding on the issuance of an Order of Possession as I find that the landlords have not met the burden of proof in establishing entitlement to any such Order.

Conclusion

The tenant's application is 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: June 8, 2017

---

Residential Tenancy Branch