



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      CNC FF

### **Introduction**

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for cancellation of the landlord's 1 Month Notice to End Tenancy for Cause ('1 Month Notice') pursuant to section 47, and authorization to recover the filing fee for this application, pursuant to section 72.

The Applicants (tenants) did not attend this hearing, although I waited until 9:41 a.m. in order to enable the tenants to connect with this teleconference hearing scheduled for 9:30 a.m. The landlord's agent, ST, attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions.

The landlord confirmed receipt of the tenants' Application for Dispute Resolution ('Application'). In accordance with section 89 of the *Act*, I find that landlord duly served with the tenants' Application.

Rule 7.3 of the 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.

### **Issues(s) to be Decided**

Should the landlord's 1 Month Notice be cancelled? If not, is the landlord entitled to an Order of Possession?

Are the tenants entitled to recover the filing fee for their application?

### **Background and Evidence**

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 to the landlord an order of possession of the rental unit if

(a) the landlord's notice to end tenancy complies with section 52 [*form and content of notice to end tenancy*], and

(b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

**Analysis**

**In the absence of any evidence or submissions from the applicants, I order the tenants' application dismissed without liberty to reapply.**

A copy of the 1 Month Notice was not submitted by either party for this hearing. As I have no way of verifying whether the landlord's 1 Month Notice complies with section 52 of the *Act*, and there is no separate application from the landlord before me, I am unable to issue an Order of Possession to the landlord.

**Conclusion**

I dismiss the tenants' entire application for dispute resolution without leave to reapply.

The landlord remains at liberty to apply for an Order of Possession on the basis of the 1 Month Notice.

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 16, 2017

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Residential Tenancy Branch