



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPT, AAT, PSF, OLC, FF

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

- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- an order to the landlords to provide services or facilities required by law pursuant to section 65;
- an order of possession of the rental unit pursuant to section 54;
- an order to allow access to or from the rental unit or site for the tenants or the tenants' guests pursuant to section 70;
- authorization to recover his filing fee for this application from the landlords pursuant to section 72.

The tenants attended the hearing via conference call and provided undisputed affirmed testimony. The landlords did not attend. Neither party submitted any documentary evidence. The tenants provided affirmed testimony that the landlords were served with the notice of hearing package via Canada Post Registered Mail on June 23, 2017. I accept the undisputed affirmed testimony of the tenants and find that the landlords were properly served as per sections 88 and 89 of the Act.

After extensive discussions, the tenants confirmed that the request(s) for:

Order for the landlord to comply with the Act, regulations or tenancy agreement
Order for the landlord to allow access to the unit or site
Order for the landlord to provide services or facilities required by the tenancy agreement

were related to the request for an order of possession of the rental unit and as such are cancelled. The hearing will proceed on the tenants' request for an order of possession of the rental unit and recovery of the filing fee.

Discussions were made with the tenants regarding the submission of late evidence after the start of the hearing. The tenants also requested an adjournment to allow for the tenants to submit late evidence. The tenants were notified that an adjournment for the purposes of filing evidence was not justified and the request was denied as this was contrary to the Rules of Procedure. During these discussions with the tenants, the tenant, T.S. stated that he was not satisfied with the hearing process. During these discussions the tenant stated that he was withdrawing the application, when the connection with the tenants was terminated at 9:26am. I waited until 9:40am to allow the tenants to re-connect and at that time the conference call hearing was ended. As such, the tenants' application is dismissed with leave to reapply. Leave to reapply is not an extension of any applicable limitation periods.

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: August 25, 2017

Residential Tenancy Branch