



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL/OPN, CNL, OLC, FF

This hearing dealt with applications from both the landlord and the tenants under the *Residential Tenancy Act* (the *Act*). The landlord applied for:

- an order of possession for landlord's use of property pursuant to section 55;

The tenants' applied for:

- cancellation of the landlord's 2 Month Notice to End Tenancy for Landlord's Use of Property (the 2 Month Notice) pursuant to section 49;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- authorization to recover their filing fee for this application from the landlord pursuant to section 72.

The tenant, T.M. (the tenants) attended the hearing via conference call and provided affirmed testimony. The landlord did not attend. The tenants stated in his direct testimony that he did not receive the landlord's notice of hearing package and is not aware of the issues that the landlord had applied for.

This matter was set for a conference call hearing at 9:00 a.m. on this date. I waited until 10 minutes past the start of the scheduled hearing time in order to enable both parties to connect with this teleconference hearing.

Rule 7 of the Rules of Procedure provides that:

7.1 Commencement of the dispute resolution hearing

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

7.2 Delay in the start of a hearing

In the event of a delay of a start of a conference call hearing, each party must stay available on the line to commence the hearing for 30 minutes after the time scheduled for the start of the hearing.

In the event of a delay of a face-to-face hearing, unless otherwise advised, the parties must remain available to commence the hearing at the hearing location for 30 minutes after the time scheduled for the start of the hearing.

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.

7.4 Evidence must be presented

Evidence must be presented by the party who submitted it, or by the party's agent. If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

Accordingly, in the absence of any evidence or submissions and the landlord's participation in this hearing, I order the landlord's application dismissed with leave to reapply as the tenant T.M. has stated that the tenants were not served with the landlord's notice of hearing package. I make no findings on the merits of the matter. Leave to reapply is not an extension of any applicable limitation period. The tenant, T.M. indicated that he wished to cancel the tenants' application for dispute as a resolution has been reached with the landlord. As such, no further action is required for the tenants' application for dispute.

I note that the addresses provided by both parties differ in regards to the unit numbers of the rental premises. The tenant, T.M. was unable to provide any clarification regarding the differing unit numbers. As such, I leave the unit numbers as unchanged and for reference list the address provided by the landlord as unit "A" on this decision as opposed to the address "UPSTAIRS" as provided by the tenants.

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: September 06, 2017

Residential Tenancy Branch