



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CWL CONTRACTING LTD
REDDALE ENTERPRISES LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MT, CNL, OLC

Introduction

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

- more time to make an application to cancel the landlords' 2 Month Notice to End Tenancy for Landlord's Use of Property ("2 Month Notice"), pursuant to section 66;
- cancellation of the landlords' 2 Month Notice, pursuant to section 49; and
- an order requiring the landlords to comply with the *Act*, *Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement, pursuant to section 62.

The landlords did not attend this hearing, which lasted approximately 19 minutes. The two tenants, tenant WP ("tenant") and "tenant VW" attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. Tenant VW did not testify at this hearing. The tenant confirmed that he had permission to speak on behalf of tenant VW at this hearing.

The hearing began at 9:30 a.m. with only me present. The tenants called in late at 9:40 a.m. The tenant confirmed that he had heart surgery about four weeks prior and he had trouble getting to his telephone on time. He claimed that he was fit to represent himself at this hearing, despite the prior heart surgery and the trouble calling in. The hearing ended at 9:49 a.m.

At the outset of the hearing, the tenant confirmed that the tenants did not require any of the relief in their application. He said that the tenants received an eviction notice after

they filed this application and they did not provide a copy of it for this hearing. He also confirmed that the rental unit was torn down along with the rest of the building about 1.5 months ago, that the tenants were no longer residing there and there was no longer a tenancy with the landlords. For the above reasons, I informed the tenant that the tenants' entire application was dismissed without leave to reapply.

Pursuant to section 55 of the *Act*, if I dismiss the tenants' application to cancel a 2 Month Notice, the landlord is entitled to an order of possession if the notice meets the requirements of section 52 of the *Act*.

Neither party provided a copy of the 2 Month Notice for this hearing so I was unable to determine whether it complied with section 52 of the *Act*. The landlords were not present to request an order of possession. Moreover, the tenancy has ended and the rental unit no longer exists. For the above reasons, I do not issue an order of possession to the landlords.

Conclusion

The tenants' entire application is dismissed without leave to reapply.

The landlords are not entitled to an order of possession.

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: December 05, 2017

Residential Tenancy Branch