



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes MT, CNL, OLC, FFT

### Introduction

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

- more time to make an application to cancel the landlord's two Month Notice to End Tenancy for Landlord's Use of Property (the Two Month Notice) pursuant to section 66;
- cancellation of the landlord's Two Month Notice pursuant to section 49;
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The landlord did not appear at the hearing, although I waited until 11:12 a.m. for the landlord to appear for this hearing scheduled for 11:00 a.m.

Tenant S.L. (the tenant) attended the hearing and testified that they have moved out of the rental unit and that the landlord was not served with the Application for Dispute Resolution (the Application) to notify the landlord of this hearing.

### Analysis

Based on the undisputed testimony of the tenant, I find that the landlord has not been served with the Application in accordance with section 89 of the *Act*.

Since I find the landlord has not been served with the Application in accordance with section 89 of the *Act*, I dismiss the tenants' application.

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

Since the landlord did not appear at this hearing to request an order of possession and the tenant testified that they had vacated the rental unit, I do not issue an order of possession to the landlord.

### Conclusion

The tenants' 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: January 15, 2018

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Residential Tenancy Branch