



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing dealt with an Application for Dispute Resolution (the “Application”) filed by the Tenants under the *Residential Tenancy Act* (the “Act”), seeking to cancel a One Month Notice to End Tenancy for Cause (the “One Month Notice”).

I note that section 55 of the *Act* requires that when a tenant submits an Application seeking to cancel a Notice to End Tenancy issued by a landlord, I must consider if the landlord is entitled to an Order of Possession if the Application is dismissed and the landlord has issued a Notice to End Tenancy that is compliant with section 52 of the *Act*.

The hearing was convened by telephone conference call and was attended by the Landlord, the Tenant did not attend. The Landlord attended the hearing at the scheduled time, ready to proceed, and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

I have reviewed all evidence and testimony before me that met the requirements of the rules of procedure; however, I refer only to the relevant facts and issues in this decision.

### Preliminary Matters

At the outset of the hearing the Landlord testified that the Tenant moved out of the rental unit on January 15, 2018. As a result, the Landlord does not require an Order of Possession.

Issue(s) to be Decided

Are the Tenants entitled to an Order cancelling the One Month Notice?

Background and Evidence

The Tenants applied to cancel the One Month Notice; however, they did not appear at the hearing of their own Application to provide any evidence or testimony.

Analysis

As the Tenants failed to attend the hearing to present any evidence or testimony in support of their Application, their Application is dismissed without leave to reapply.

Although the Tenant's Application is dismissed, the Landlord did not seek an Order of Possession as the Tenants vacated the rental unit on January 15, 2018. As a result, I did not consider if the Landlord is entitled to an Order of Possession pursuant to section 55 of the *Act*.

Conclusion

The Tenants' Application is dismissed in its entirety 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 25, 2018

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Residential Tenancy Branch