Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   OPL; CNL, FF

Introduction

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

- an order of possession for landlords' use of property, pursuant to section 55.

This hearing also dealt with the tenant's cross-application pursuant to the *Act* for:

- cancellation of the landlords' 2 Month Notice to End Tenancy for Landlord's Use of Property, dated October 30, 2017 ("2 Month Notice), pursuant to section 49;
- authorization to recover the filing fee for this application, pursuant to section 72.

The tenant did not attend this hearing, which lasted approximately 10 minutes. The landlords' agent ("landlord") attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The landlord confirmed that she was one of the landlords' daughters-in-law and that she had permission to speak on behalf of the landlords at this hearing.

At the outset of the hearing, the landlord confirmed that the tenant vacated the rental unit on January 1, 2018 and that the landlords did not require an order of possession against her. Accordingly, I informed the landlord that the landlords' entire application was dismissed without leave to reapply.

Rule 7.3 of the Residential Tenancy Branch *Rules of Procedure* provides as follows:

> *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.

In the absence of any appearance by the tenant, I order the tenant's entire application 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