



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

PSF, CNL

The tenants applied on March 14, 2018 requesting an order the landlord be ordered to provide services or facilities required by the tenancy agreement or law and to cancel a two month notice ending tenancy for landlords' use of the property and an extension of time to apply to cancel the notice.

The tenants submitted a copy of a two month Notice to end tenancy for landlord's use of the property issued on December 28, 2017, with an effective date of February 28, 2018. The notice indicated the landlord served the notice on December 28, 2017 by posting the notice to the door. The tenants submit that the notice was personally delivered on December 28, 2017.

Section 66(3) of the Act prohibits any extension of the time limit to make an application to dispute a notice ending tenancy beyond the effective date of the Notice. I note that at the time this application was made the effective date of the notice in dispute had passed.

The hearing was scheduled for this date at 9:00 a.m.

Residential Tenancy Branch Rules of Procedure provides:

7.1 Commencement of the dispute resolution hearing

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

7.3 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.

By 9:12 a.m. neither party had entered the conference call hearing.

Therefore, in the absence of an appearance of either party by 9:12 a.m. I find that this application is dismissed with leave to reapply.

Conclusion

The application is dismissed with leave to reapply.

This decision is final and binding and 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: April 24, 2018

Residential Tenancy Branch