



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FFT

Introduction

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

- an Order to cancel a One Month Notice to End Tenancy for Cause (the "One Month Notice"), pursuant to section 47; and
- authority to recover the filing fee for this application pursuant to section 72.

The tenants did not attend this hearing, although I left the teleconference hearing connection open for 19 minutes in order to enable the tenants to call into this teleconference hearing scheduled for 11 a.m. Landlord C.T.M. (the "landlord") attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlord and I were the only ones who had called into this teleconference.

Rule 7 of the Rules of Procedure provides as follows:

7.1 Commencement of the dispute resolution hearing

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. Rule 7.3 states that 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.

Issues to be Decided

Are the tenants allowed to cancel a One Month Notice to End Tenancy for Cause, pursuant to Section 47 of the *Act*?

Are the tenants entitled to recover their filing fee for this Application for Dispute Resolution, pursuant to Section 72 of the *Act*?

Conclusion

Based on the above, **in the absence of any evidence or submissions I order the application dismissed with liberty to reapply.** I make no findings on the merits of the matter. Liberty to reapply is not an extension of any applicable limitation period.

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: May 07, 2018

Residential Tenancy Branch