



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC MT LRE FFT

Introduction

This hearing was convened as a result of the tenant's Application for Dispute Resolution ("application") under the *Residential Tenancy Act* ("Act"). The tenant applied to cancel a 1 Month Notice to End Tenancy for Cause ("1 Month Notice"), for more time to make an application to cancel a notice to end tenancy, for an order to suspend or set limits on the landlord's right to enter the rental unit or site, and to recover the cost of the filing fee.

An agent for the landlords ("agent") attended the teleconference hearing. The hearing process was explained to the agent and an opportunity was given to ask questions about the hearing process. Thereafter the agent gave affirmed testimony, was provided the opportunity to present their evidence orally and in documentary form prior to the hearing, and make submissions to me.

The agent testified that the tenant passed away on or about March 29th or March 30th of 2018. The agent testified that the tenant does not have any family that she is aware of and that the tenant does not have an estate. The agent stated that the landlord is not seeking an order of possession as the landlord has already obtained possession back of the rental unit.

Preliminary and Procedural Matters

The agent provided their email address at the outset of the hearing which was confirmed by the undersigned arbitrator. The agent confirmed their understanding that the decision would be emailed to the agent and that the tenant would receive their copy by regular mail.

In addition to the above, the agent testified that landlords WB and agent MM had their first names and surnames reversed by the tenant in error on the tenant's application.

Therefore, pursuant to section 64(3) of the *Act*, the tenant's application was amended to correct the names of the landlord and landlord agent.

Issue to be Decided

- Should the 1 Month Notice be cancelled?

Background and Evidence

As the tenant did not attend the hearing and has passed away according to the undisputed testimony of the agent, I dismiss the tenant's application without leave to reapply as the respondent did attend the teleconference hearing and was ready to proceed.

The hearing lasted 10 minutes and I confirmed that the teleconference codes, date and time were correct to provide sufficient opportunity for an agent, family member and/or executor for the tenant to call into the hearing which did not occur. The agent confirmed that the landlords do not require an order of possession as they have already obtained possession back of the rental unit.

Analysis and Conclusion

The tenant's application is dismissed without leave to reapply. According to the agent, the tenant passed away on March 29th or March 30th of 2018 and does not have an agent, family member or estate. The agent confirmed that an order of possession is not required as the landlord has already obtained possession of the rental unit.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, 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: May 4, 2018

Residential Tenancy Branch