



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, LRE

Introduction

This hearing convened as a result of Tenant's Application for Dispute Resolution wherein the Tenant requested an Order canceling a 1 Month Notice to End Tenancy for Cause and an Order restricting the Landlord's right to enter the rental unit.

The hearing was conducted by teleconference at 9:00 a.m. on June 19, 2018. Only the Landlords called into the hearing. They gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

The Applicant Tenant did not call into this hearing, although I left the teleconference hearing connection open until 9:21 a.m. Additionally, 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 Landlords and I were the only ones who had called into this teleconference.

Preliminary Matter

The Landlord, G.H., confirmed that he initially issued an informal handwritten 1 Month Notice to End Tenancy for Cause. He conceded that this Notice was not in the approved form and therefore not enforceable.

Subsequent to this, the Landlord determined that as he had sold the rental property he should have issued a 2 Month Notice to End Tenancy for Landlord's Use. He testified that he then served the 2 Month Notice.

The Landlord stated that he believes that the Tenant will vacate the rental unit as of the effective date of the 2 Month Notice to End Tenancy. I reminded the Landlord that the validity of the 2 Month Notice to End Tenancy was not properly before me.

Analysis and Conclusion

Rules 7.1 and 7.3 of the *Residential Tenancy Branch Rules of Procedure* provide as follows:

Commencement of Hearing:

The hearing must commence at the scheduled time unless otherwise decided by the arbitrator.

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.

As the Applicant Tenant did not call into the hearing by 9:21 a.m., and the Respondent Landlords appeared and were ready to proceed, I dismiss the Tenant's claim without leave to reapply.

This decision is final and binding on the parties, except as 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: June 19, 2018

Residential Tenancy Branch