



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC, OLC, FFT

### Introduction

This is an Application for Dispute Resolution (the “Application”) brought by the Tenants requesting a cancellation of a One Month Notice to End Tenancy for Cause and for an Order that the Landlord comply with the Act, Regulations and/or tenancy agreement. The Tenants also request an order for payment of the filing fee.

Neither party attended at the appointed time set for the hearing, although I waited 11 minutes to enable them to participate in this hearing scheduled 11 a.m.. 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 I was the only person who had called into this teleconference.

### Issues to be Decided

Are the Tenants entitled to a cancellation of the One Month Notice to End Tenancy for Cause, pursuant to section 47 of the Residential Tenancy Act (“Act”)?

If not, is the Landlord entitled to an Order of Possession, pursuant to section 55 of the Act?

Are the Tenants entitled to an Order requiring the Landlord to comply with the Act, Regulations and/or tenancy agreement pursuant to section 62 of the Act?

Are the Tenants entitled to payment of their filing fee pursuant to section 72 of the Act?

### Analysis and Conclusion

Rule 7.3 of the Residential Tenancy Branch Rules of Procedure states if a party or their agent fails to attend a 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 neither party called into the conference call by 11:11 a.m. I find the Tenant has not presented the merits of this Application which is hereby **dismissed with leave to reapply**. However, this does not extend any applicable time limits under the *Residential Tenancy Act* and I have made no findings of fact or law with respect to the merits of this Application.

### Conclusion

The Tenant's Application is hereby dismissed with 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: July 18, 2018

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Residential Tenancy Branch