



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding G&M TOTOS HOLDINGS LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

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

- cancellation of the landlord's One Month Notice to End Tenancy for Cause (One Month Notice) pursuant to section 47 of the *Act*.

The landlord attended at the date and time set for this hearing. The tenants did not attend this hearing, although I left the teleconference hearing connection open until 10:04 a.m. in order to enable the tenants to call into this teleconference hearing scheduled for 9:300 a.m. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding. I also confirmed from the teleconference system that the landlord and I were the only ones who had called into this teleconference.

Rule 7.3 of the Rules of Procedure provides as follows:

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 reapply.

Therefore, in the absence of the tenants' attendance at this hearing, I order the tenants' application in its entirety dismissed without liberty to reapply.

Preliminary Issue - Procedural Matters

Section 55 of the *Act* requires that when a tenant submits an Application for Dispute Resolution seeking to cancel a notice to end tenancy issued by a landlord I must consider if the landlord is entitled to an order of possession if the tenant's Application is dismissed and the landlord has issued a notice to end tenancy that is compliant with section 52 of the *Act*.

At the outset of the hearing, the landlord confirmed that the tenants had contacted him to tell him that they would not be attending the dispute hearing as they had found another place to live and would be moving out of the rental unit by the end of October 2018.

Therefore, the landlord stated that he did not think he would require an Order of Possession, if the tenants move out as promised. As the tenants' Application to dispute the landlord's One Month Notice to End Tenancy has been dismissed, the landlord is at liberty to file an Application for an Order of Possession based on the One Month Notice, should the tenants fail to vacate the rental unit at the end of October 2018.

Issue(s) to be Decided

Should the landlord's One Month Notice to End Tenancy for Cause be cancelled? If not, is the landlord entitled to an Order of Possession on the basis of the Notice to End Tenancy?

Conclusion

The tenants' Application is dismissed in its entirety without leave to reapply.

The landlord did not require an Order of Possession as the tenants agreed to vacate the rental unit by the end of October 2018. The landlord is at liberty to file an Application for an Order of Possession if the tenants fail to vacate the rental unit.

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: October 18, 2018

Residential Tenancy Branch