



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, MT, FFT

Introduction

On July 16, 2018 the Tenants applied for a Dispute Resolution proceeding seeking to Cancel a 2 Month Notice to End Tenancy for Landlord Use of Property (the Notice) pursuant to section 47 of the *Residential Tenancy Act* (the Act), to Request More Time to cancel a notice pursuant to section 66 of the Act and to apply for the return of the Filing Fee pursuant to section 72 of the Act.

Issues to be Decided

Is the Tenant entitled to a cancellation of a 2 month Notice to End Tenancy for Landlord Use of Property?

Is the Tenant entitled to more time to have made the application to cancel the Notice?

Is the Tenant entitled to recovery of their filing fee?

Background and Evidence

The dispute resolution hearing was scheduled for a teleconference hearing on this date.

Rule 7.1 of the Residential Tenancy Branch Rules of Procedure requires that a hearing start at the scheduled time unless otherwise set by the arbitrator.

Rule 7.3 permits an arbitrator to conduct a hearing in the absence of any party, and may make a decision or dismiss the application, with or without leave to reapply.

A hearing regarding the application was scheduled to commence on September 7, 2018. Telephone records show that neither the tenant nor the landlord dialed into the teleconference on this date at any time. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding.

Analysis

Due to the absence of both parties, I find that this Application for Dispute Resolution has been abandoned.

Conclusion

I dismiss the application for Dispute Resolution with leave to reapply. This decision does not extend any applicable time limits under the *Residential Tenancy Act*. No findings of fact or law were made with respect to this dispute.

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 02, 2018

Residential Tenancy Branch