



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FFT

Introduction

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

- cancellation of the landlords' 2 Month Notice to End Tenancy for Landlord's Use of Property, dated August 16, 2018 ("2 Month Notice"), pursuant to section 49;
- authorization to recover the filing fee for this application, pursuant to section 72.

While four of the six respondent landlords attended the hearing by way of conference call, the applicant tenant did not, although I waited until 11:11 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 11:00 a.m. Landlord RT ("landlord") confirmed that she was an owner of the rental unit and she spoke for all landlords named in this application, stating that she had permission to do so.

The landlord confirmed receipt of the tenant's application for dispute resolution hearing package. In accordance with sections 89 and 90 of the *Act*, I find that all landlords were duly served with the tenant's application.

Rule 7.3 of the Residential Tenancy Branch *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 re-apply.

In the absence of any appearance by the tenant, I order the tenant's entire application dismissed without leave to reapply.

During the hearing, I informed the landlord that pursuant to section 55 of the *Act*, if I dismissed the tenant's application to cancel a 2 Month Notice, the landlords were entitled to an order of possession if the notice met the requirements of section 52 of the *Act*.

After consulting with the other three landlords in attendance at the hearing, the landlord informed me that the landlords did not require an order of possession against the tenant. She stated that the landlords wanted to wait for the effective date on the 2 Month Notice, November 1, 2018, to take effect to see if the tenant would vacate the rental unit. She said that if the tenant failed to do so, the landlords would later file an application at the Residential Tenancy Branch in order to obtain an order of possession.

For the above reasons, I do not issue an order of possession to the landlords. I informed the landlord of this during the hearing.

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 16, 2018

Residential Tenancy Branch