



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI, CNQ, OLC, PSF, LRE, AAT, FFT

Introduction

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

- an order regarding a disputed additional rent increase, pursuant to section 43;
- cancellation of the landlord's 2 Month Notice to End Tenancy Because the Tenant Does Not Qualify for Subsidized Rental Unit ("2 Month Notice"), pursuant to section 49.1;
- an order requiring the landlord to comply with the *Act*, *Residential Tenancy Regulation* or tenancy agreement, pursuant to section 62;
- an order requiring the landlord to provide services or facilities required by law, pursuant to section 65;
- an order to suspend or set conditions on the landlord's right to enter the rental unit, pursuant to section 70;
- an order to allow access to or from the rental unit or site for the tenants or the tenants' guests, pursuant to section 70;
- authorization to recover the filing fee for this application, pursuant to section 72.

While the respondent landlord and her agent attended the hearing by way of conference call, the applicant tenants did not, although I waited until 9:43 a.m. in order to enable the tenants to connect with this teleconference hearing scheduled for 9:30 a.m. The landlord stated that she wanted her agent to speak on her behalf at this hearing.

The landlord's agent confirmed receipt of the tenants' application for dispute resolution hearing package. In accordance with sections 89 and 90 of the *Act*, I find that the landlord was duly served with the tenants' 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 tenants, I order the tenants' entire application dismissed without leave to reapply.

Pursuant to section 55 of the *Act*, if I dismiss the tenants' application to cancel a 2 Month Notice, the landlord is entitled to an order of possession if the notice meets the requirements of section 52 of the *Act*. Neither party provided a copy of the 2 Month Notice for this hearing,

The landlord's agent testified that an order of possession was required. However, the landlord's agent confirmed that the landlord was not a public housing body and that this was not a subsidized rental unit. She said that the landlord issued the wrong notice and she intended to issue a notice to end tenancy for unpaid rent.

Therefore, since the landlord issued the wrong notice to the tenants and I did not have a copy of it, I do not issue an order of possession to the landlord.

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: September 18, 2018

Residential Tenancy Branch