



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding DEVON PROPERTIES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC FFT

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*; and
- recovery of the filing fee pursuant to section 72 of the *Act*.

The landlord's agent E.S. attended on behalf of the corporate landlord 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 11:28 a.m. in order to enable the tenants to call into this teleconference hearing scheduled for 11:00 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 signed a Mutual Agreement to End Tenancy and agreed to vacate the rental unit by the end of October 2018.

Therefore, the landlord's agent confirmed that the landlord is not seeking an Order of Possession in relation to this Application.

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.

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