



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an application by the tenants pursuant to the *Residential Tenancy Act* (“the Act”) for:

- an order cancelling the landlord’s 1 Month Notice to End Tenancy for Cause (“1 Month Notice”) pursuant to section 47 *Act*.

Only the respondent landlord, R.M. (the “landlord”) attended the hearing by way of conference call. Following opening remarks, the landlord explained the tenants had vacated the rental unit on November 19, 2018 following the issuance of a 10 Day Notice to End Tenancy for non-payment of rent.

The landlord said he was no longer seeking to enforce the 1 Month Notice issued on October 28, 2018.

Analysis

While the landlord attended the hearing by way of conference call, the applicant tenants did not, although I waited until 9:40 A.M. in order to enable the applicant tenants to connect with this teleconference hearing scheduled for 9:30 A.M. The landlord who attended the hearing was given a full opportunity to be heard, to present testimony, to make submissions and to call witnesses.

Rule 7.3 of the Rules of Procedure provides as follows:

7.3 Commencement of the hearing: The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

The landlord said he was longer seeking enforcement of the 1 Month Notice issued on October 28, 2018 because the tenants had vacated the rental unit on November 19, 2018. The landlord explained an Order of Possession which would typically be issued pursuant to section 52 of the *Act* was unnecessary because he now had possession of the rental unit.

Conclusion

The tenants' application to dispute the landlord's 1 Month Notice is dismissed without leave to reapply.

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: December 10, 2018

Residential Tenancy Branch