



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL DRI LRE MT OLC OPL OPN

Introduction

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

- cancellation of the landlord's Two Month Notice to End Tenancy for Landlord's Use of Property (the "Two Month Notice") pursuant to section 49;
- a determination regarding their dispute of a rent increase by the landlord pursuant to section 43;
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70;
- more time to make an application to cancel the landlord's Two Month Notice pursuant to section 66; and,
- an order for the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62.

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

- an Order of Possession pursuant to section 55.

The landlord attended the hearing. The landlord had full opportunity to provide affirmed testimony, present evidence, and make submissions.

The tenants did not attend the hearing. I kept the teleconference line open from the scheduled hearing time for the duration of the hearing to allow the tenants the opportunity to call. The teleconference system indicated only the landlord and I had

called into the hearing. I confirmed the correct participant code was provided to the tenants.

The landlord testified that he personally served the tenants with the notice of dispute resolution package. I find that the tenants have been served by the landlord.

Preliminary Matter – Non-Appearance of Tenants at the Hearing

Furthermore, the applicant tenants did not appear at the hearing. 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 reapply.

As the applicant tenants did not attend the hearing, and in the absence of any evidence or submissions, I order the tenants' application be dismissed without leave to re-file.

Preliminary Matter: Withdrawal of Application

At the commencement of the matter, the landlord testified that he wanted to rescind the Two Month Notice. Accordingly, I hereby dismiss the landlord' application and I cancel the Two Month Notice. The Two Month Notice is of no force or effect and this tenancy shall continue until ends pursuant to the *Act*.

Conclusion

I dismiss the tenant's application and the landlord's application without leave to reapply.

I order that the Two Month Notice is cancelled. The Two Month Notice is of no force or effect and this tenancy shall continue until ends pursuant to the *Act*.

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: June 11, 2019

Residential Tenancy Branch