



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MT, CNL

### Introduction

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

- more time to make an application to cancel the landlord's 2 Month Notice to End Tenancy for Landlord's Use of Property ("2 Month Notice"), pursuant to section 66;
- cancellation of the landlord's 2 Month Notice, pursuant to section 49.

The landlord did not attend this hearing, which lasted approximately 13 minutes. The two tenants, male tenant ("tenant") and "female tenant" attended the hearing and were each given a full opportunity to be heard, to make submissions and to call witnesses. The female tenant did not testify at this hearing.

The hearing began at 11:00 a.m. with only me present. The two tenants called in late at 11:05 a.m. The tenant laughed and stated that he was busy doing other things. The hearing ended at 11:13 a.m.

At the outset of the hearing, the tenant could not understand any of my questions. I had to repeat my questions multiple times and he was still unable to understand. I asked him if there was anyone participating in the hearing with him, and he did not understand. I asked whether he was planning to call any witnesses or anyone to speak on his behalf and he did not know what that meant. In order to affirm an oath, I asked the tenant if he promised to tell the truth with his evidence at the hearing and he did not understand, asking what a "promise" meant.

I notified the tenants that I could only conduct the hearing in English and if they required an interpreter, they could have brought one to the hearing. I informed them that they had ample time from filing their application on February 21, 2020 to this hearing date on April 23, 2020, in order to prepare for this hearing and arrange for an interpreter. During the hearing, the tenants were conversing with each other in a different language other than English.

The tenant said that he could call his daughter to speak on his behalf, but she was not present there with him. I informed him that his daughter would have to call in right away in order to attend the hearing, as she could not call in at a later time or date. The tenant was unable to arrange for his daughter to attend the hearing for the scheduled date and time.

The tenants did not provide any evidence for this hearing, including the 2 Month Notice that they are disputing in this application. I cannot examine the notice as required by section 52 of the *Act*, in order to make a decision about it.

I notified the tenants that their application was dismissed with leave to reapply. I thanked them for attending and closed the hearing.

### Conclusion

The tenants' entire application is dismissed with 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: April 23, 2020

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Residential Tenancy Branch