



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC, OLC

This hearing dealt with an Application for Dispute Resolution (the “Application”) that was filed by the Tenants under the *Residential Tenancy Act* (the “Act”), seeking:

- Cancellation of a One Month Notice to End Tenancy for Cause, and
- An order for the Landlord to comply with the Act, regulations, or tenancy agreement.

I note that section 55 of the Act requires that when a tenant submits an Application 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 Application is dismissed and the landlord has issued a notice to end tenancy that is compliant with section 52 of the Act.

The hearing was convened by telephone conference call and was attended by the Tenant A.W., who provided affirmed testimony. The Landlord did not attend.

The Residential Tenancy Branch Rules of Procedure (the “Rules of Procedure”) state that the respondent must be served with a copy of the Application and Notice of Hearing. As the Landlord did not attend the hearing, I confirmed service of the documents as explained below.

The Tenant testified that the Notice of Dispute Resolution Proceeding Package, including a copy of the Application and the Notice of Hearing, were personally served on the Landlord on June 21, 2020, in the presence of the other Tenant H.D. As a result of the above and in the absence of any evidence to the contrary, I find that the Landlord was personally served with the Notice of Dispute Resolution Proceeding Package, including a copy of the Application and the Notice of Hearing, on June 21, 2020. Based on the above and pursuant to rule 7.3 of the Rules of Procedure, the hearing therefore proceeded as scheduled, despite the absence of the Landlord.

At the outset of the hearing the Tenant stated that they wish to withdraw the Application as a mutual agreement has been reached between the parties. As I was satisfied that the Landlord was served with a copy of the Application and the Notice of Hearing in accordance with the Act and the Rules of Procedure, and the Landlord did not attend within 10 minutes of the start of the hearing, I accepted the Tenant’s request for

withdrawal and the Application was withdrawn accordingly. The Tenants remains at liberty to reapply, should they wish to do so; however, this is not an extension of any statutory timeline.

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: July 20, 2020

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Residential Tenancy Branch