



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, LAT, LRE, PSF

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution ("Application") under the *Residential Tenancy Act* ("Act") to cancel a One Month Notice to End Tenancy for Cause ("One Month Notice"), for authorization for the Tenant to change the lock; to suspend or restrict the Landlord's right to enter; and for an order to provide services or facilities required by the tenancy agreement or law.

The Tenants, B.S. and C.F., appeared at the teleconference hearing and gave affirmed testimony. No one attended on behalf of the Landlord. The teleconference phone line remained open for over 25 minutes and was monitored throughout this time. The only persons to call into the hearing were the Tenants, who indicated that they were ready to proceed. I confirmed that the teleconference codes provided to the Parties were correct and that the only persons on the call, besides me, were the Tenants.

As the Landlord did not attend the hearing, I considered service of the Notice of Hearing. Section 59 of the Act states that each respondent must be served with a copy of the Application and Notice of Hearing. The Tenant, B.S., testified that he served the Landlord with the Notice of Hearing documents in person on August 3, 2020. I find that the Landlord was deemed served with the Notice of Hearing documents in accordance with the Act. I, therefore, admitted the Application and evidentiary documents, and I continued to hear from the Tenants in the absence of the Landlord.

I explained the hearing process to the Tenants and gave them an opportunity to ask questions about the hearing process. During the hearing the Tenants were given the opportunity to provide their evidence orally and to respond to my questions. I reviewed all oral and written evidence before me that met the requirements of the Residential Tenancy Branch ("RTB") Rules of Procedure ("Rules"); however, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary and Procedural Matters

The Tenants provided the Parties' email addresses in the Application and confirmed

their understanding that the Decision would be emailed to both Parties and any Orders sent to the appropriate Party.

At the outset of the hearing, I advised the Tenants that pursuant to Rule 7.4, I would only consider their written or documentary evidence to which they pointed or directed me in the hearing.

I advised the Tenants that Rule 2.3 authorized me to dismiss unrelated disputes contained in a single application. In this circumstance, the Tenants applied for different matters of dispute on the application, the most urgent of which is the application to set aside a One Month Notice. I find that not all the claims on the Application are sufficiently related to be determined during this proceeding. I will, therefore, only consider the Tenants' request to set aside the One Month Notice at this proceeding. Therefore, the Tenants' other claims are dismissed, with leave to re-apply.

In a hearing with this same arbitrator on August 17, 2020, the Landlord said he withdrew the One Month Notice, which may be why he did not attend this hearing.

As a result of the Landlord's withdrawal of the One Month Notice on August 17, 2020, and not attending the hearing to present the merits of the One Month Notice, I cancel the One Month Notice and do not award the Landlord an Order of Possession in this proceeding.

Conclusion

The Tenants are successful in their Application to cancel the One Month Notice, as the Landlord had withdrawn it in a prior hearing, and he did not attend this hearing to present the merits of his position.

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: September 03, 2020

Residential Tenancy Branch