



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPL

### Introduction, Preliminary and Procedural Matters-

This teleconference hearing was convened as the result of the landlords' application for dispute resolution under the Residential Tenancy Act (Act) for:

- an order of possession of the rental unit pursuant to a Two Month Notice to End Tenancy for Landlord's Use of Property (Notice) issued to the tenants.

The hearing began at 9:30 a.m. Pacific Time on Friday, September 25, 2020, as scheduled and the telephone system remained open and was monitored for 10 minutes.

During this time, neither landlord called into the hearing; however, tenant CK was present.

I continued the hearing for 10 minutes, in order to allow the landlords to call into the hearing; however, they did not.

During the hearing, the tenant said that she had not been served an application for dispute resolution from the landlords and was unaware of this hearing until receiving a standard email from the Residential Tenancy Branch (RTB) regarding evidence deadlines for the hearing.

Additionally, the tenant said that this matter had been resolved by mutual agreement during a hearing on the tenants' application seeking cancellation of the Notice. The tenant submitted a copy of that RTB Decision, which was dated September 1, 2020.

Rules 7.3 and 7.4 of the 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 re-apply.

### **7.4 Evidence must be presented**

Evidence must be presented by the party who submitted it, or by the party's agent.

If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

Accordingly, **in the absence of any evidence or submissions from the landlords, I order the application dismissed.**

As the respondent/tenant attended and was ready to proceed, I dismiss the landlords' application, **without leave to reapply.**

I note that the same decision would have been made had the landlords attended, as this matter was previously resolved by mutual agreement and recorded by another arbitrator in a Decision on September 1, 2020.

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 25, 2020

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Residential Tenancy Branch