



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CITY OF VANCOUVER NON MARKET
HOUSING and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction and Analysis

This hearing dealt with an Application for Dispute Resolution (application) by the tenants seeking remedy under the *Residential Tenancy Act* (the Act) to cancel a 1 Month Notice to End Tenancy for Cause (1 Month Notice).

The tenants were provided with a copy of the Notice of a Dispute Resolution Proceeding dated August 27, 2020 (Notice of Hearing). The tenants, however, did not attend the teleconference hearing set for this date, Friday October 2, 2020 at 9:30 a.m. Pacific Time. The phone line remained open for 10 minutes and was monitored throughout this time. The only person to call into the hearing was an agent for the landlord, PR (agent) who indicated that they were ready to proceed. I have confirmed that file records support that the tenants did not make any attempt to cancel the hearing prior to the hearing. The agent testified that tenants signed a Mutual Agreement to End the Tenancy and vacated the rental unit as of September 16, 2020 due to a fire and that the rental unit is uninhabitable due to the fire. The agent stated that the landlord is not seeking an order of possession as the rental unit keys have already been returned by the tenants.

Following the ten-minute waiting period, the application of the tenants was **dismissed without leave to reapply** as the tenants failed to attend the hearing to present the merits of their application or at the very least cancel their scheduled hearing in advance of the hearing. This is pursuant to Rule 7.1 and 7.3 of the Residential Tenancy Branch Rules of Procedure. The landlord did attend the hearing and was ready to proceed.

The filing fee was waived.

Conclusion

The tenants' application is dismissed without leave to reapply.

This decision does not extend any applicable time limits under the Act.

This decision will be emailed to both parties at the email address provided by the tenants in their application and the email address confirmed by the landlord during the hearing.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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: October 2, 2020

Residential Tenancy Branch