



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, LRE, RP, FFT

Introduction

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

- cancellation of the landlords' Two Month Notice to End Tenancy for Landlord's Use of Property, dated September 28, 2020 ("2 Month Notice"), pursuant to section 49;
- an order restricting the landlords' right to enter the rental unit, pursuant to section 70;
- an order requiring the landlords to complete repairs to the rental unit, pursuant to section 33; and
- authorization to recover the filing fee for this application, pursuant to section 72.

While the two landlords attended the hearing by way of conference call, the applicant tenants did not, although I waited until 11:11 a.m. in order to enable the tenants to connect with this teleconference hearing scheduled for 11:00 a.m.

I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the two landlords and I were the only people who called into this teleconference.

The landlords stated that they did not receive a copy of the tenants' application for dispute resolution hearing package. They said that they called into the Residential Tenancy Branch ("RTB") and were given the details to call into the hearing.

Rule 7.3 of the RTB *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.

In the absence of any appearance by the tenants, I order the tenants' entire application dismissed without leave to reapply.

During the hearing, I informed the landlords that pursuant to section 55 of the *Act*, if I dismissed the tenants' application to cancel a 2 Month Notice, the landlords were entitled to an order of possession if the notice meets the requirements of section 52 of the *Act*.

The landlords stated that an order of possession was not required because the tenants already moved out. For the above reason, I do not issue an order of possession to the landlords. I informed the landlords of this during the hearing and they agreed to same.

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: December 22, 2020

Residential Tenancy Branch