



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNC, FFT

Introduction:

This hearing was convened in response to an Application for Dispute Resolution filed by the Tenants in which the Tenants applied to cancel a One Month Notice to End Tenancy for Cause and to recover the fee for filing this Application for Dispute Resolution.

Issue(s) to be Decided:

Should a One Month Notice to End Tenancy for Cause be set aside?

Background and Evidence:

This teleconference hearing was scheduled to commence at 9:30 a.m. on this date. The Landlord attended the hearing prior to the scheduled start time. By the time the teleconference was terminated at 9:42 a.m., the Tenants had not appeared.

The Landlord stated that:

- he is the Landlord of the rental unit, although his name is spelled incorrectly on the Application for Dispute Resolution;
- the Tenants did not serve him with the Application for Dispute Resolution;
- he received the phone number and codes required to participate in this teleconference directly from the Residential Tenancy Branch;
- the Tenants vacated the rental unit on December 31, 2020; and
- he has possession of the rental unit.

Analysis:

I find that the Tenants failed to diligently pursue the Application for Dispute Resolution and I therefore dismiss the application without leave to reapply.

As the Landlord has legal possession of the rental unit, I find it unnecessary to grant an Order of Possession in these circumstances.

Conclusion:

The Application for Dispute Resolution is dismissed without leave to reapply.

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: March 04, 2021

Residential Tenancy Branch