



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FFL

Introduction

On January 4, 2021, the Tenant filed an Application for Dispute Resolution under the *Residential Tenancy Act* ("the *Act*") to cancel a Two-Month Notice to End Tenancy for Landlord use of the Property (the Notice) issued December 28, 2020, and to recover the filing fee for this application. The matter was set for a conference call.

One of the Landlords attended the conference call hearing; however, the Tenant did not. As the Tenant is the applicant in this hearing, I find that the Tenant had been duly notified of the Notice of Hearing in accordance with the *Act*.

The Landlord was affirmed to be truthful in their testimony and was provided with the opportunity to present their evidence orally and in written and documentary form and to make submissions at the hearing.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issues to be Decided

- Should the Notice issued December 28, 2020, be cancelled?
- If not, are the Landlords entitled to an order of possession?
- Is the Tenant entitled to the return of their filing fee?

Background and Evidence

This hearing was scheduled for a teleconference hearing on this date.

Rule 7.1 of the Rules of Procedure stipulates that the hearing must commence at the scheduled time unless otherwise decided by the Arbitrator. Rule 7.3 of the Rules of Procedure stipulates that an Arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

I called into the hearing, and the line remained open while the phone system was monitored for ten minutes, and the only participant who called into the hearing during this time was the Landlord. Therefore, as the Tenant did not attend the hearing by 9:41 a.m. and the Landlord appeared and was ready to proceed, I dismiss the Tenant's application without leave to reapply.

During this hearing, the Landlord withdrew the Notice to End Tenancy, stating that they no longer wish to end this tenancy.

Analysis

I find that the Tenant's Application for Dispute Resolution has been abandoned.

I find that the Notice to end tenancy for the Landlord's use of the Property, issued on December 28, 2020, has been withdrawn.

Conclusion

I dismiss the Tenants' Application for Dispute Resolution without leave to reapply.

The Notice issued on December 28, 2020, to end tenancy has been withdrawn. This tenancy will continue until legally ended in accordance with the *Act*.

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 29, 2021

Residential Tenancy Branch