



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** LL: MNDCL-S, MNRL-S, OPL, FFL  
TN: CNL FFT

### **Introduction**

This hearing was convened in response to cross-applications by the parties pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

The landlords requested:

- an Order of Possession for landlord’s own use pursuant to section 55;
- a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenants pursuant to section 72.

The tenants requested:

- cancellation of the landlords’ 2 Month Notice to End Tenancy for landlord’s own use (the 2 Month Notice) pursuant to section 46; and
- authorization to recover the filing fee for this application from the landlords, pursuant to section 72.

The tenants did not attend this hearing, although I left the teleconference hearing connection open until 1:54 p.m. in order to enable the tenants to call into this teleconference hearing scheduled for 1:30 p.m. The landlord attended the hearing with his realtor and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the landlord, landlord’s realtor and I were the only ones who had called into this teleconference.

Rule 7.3 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

**Accordingly, in the absence of any submissions in this hearing from the tenants I order the tenants' entire application dismissed without leave to reapply.**

The landlord testified in the hearing that the tenants had moved out, and that the landlord no longer requires the Order of Possession pursuant to the 2 Month Notice to End Tenancy. The landlord testified that the tenants had left the property, but left a significant amount of damage and cleaning. The landlord wishes to recover these losses in the future. The landlord confirmed in the hearing that he was withdrawing his current claim, with leave to reapply. Accordingly, the landlord's entire application is cancelled with leave to reapply. Liberty to reapply is not an extension of any applicable timelines.

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: April 07, 2021

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Residential Tenancy Branch