



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNE-MT, RP, LRE

Introduction

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

- more time to make an application to cancel the landlord's One Month to End Tenancy for End of Employment ("One Month Notice"), pursuant to section 66;
- cancellation of the landlord's 1 Month Notice, pursuant to section 48;
- an order requiring the landlord to make repairs to the rental unit, pursuant to section 33; and
- an order restricting the landlord's right to enter the rental unit, pursuant to section 70.

The four tenants did not attend this hearing, which lasted approximately 11 minutes. The respondent attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The respondent stated that she was not the landlord for this rental unit, she did not want an order with her name on it, and she was not served with the tenants' application. She said that she found out about this hearing from a reminder email that was sent to her directly from the Residential Tenancy Branch ("RTB") at her personal email address. She claimed that a landlord company was the proper landlord for this rental unit.

Preliminary Issue – Dismissal of Tenants' Application

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.

Analysis

Pursuant to section 55 of the *Act*, if I dismiss the tenants' application to cancel a 1 Month Notice, the landlord is entitled to an order of possession, provided that the notice meets the requirements of section 52 of the *Act*.

Neither party provided a copy of the 1 Month Notice so I could not determine whether it complies with section 52 of the *Act*. The respondent stated that no 1 Month Notice was issued to the tenants. She also claimed that she was not the proper landlord for this rental unit, nor did she want an order with her name on it.

Accordingly, I notified the respondent that I could not issue an order of possession to her, against the tenants. The respondent confirmed her understanding of same.

Conclusion

The tenants' entire application is dismissed without leave to reapply.

The landlord named in this application is not entitled to an order of possession against the tenants.

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 13, 2021

Residential Tenancy Branch