



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL-4M-MT

Introduction, Preliminary and Procedural Matters-

This telephone conference call hearing was convened as the result of the tenants' application for dispute resolution under the Residential Tenancy Act (Act) for:

- an order cancelling the Four Month Notice to End Tenancy for Demolition, Renovation, Repair or Conversion of a Rental Unit, issued by the landlord; and
- an order extending the time to file an application disputing the Notice issued by the landlord.

The hearing began at 11:00 a.m. Pacific Time on Thursday, May 27, 2021, as scheduled and the telephone system remained open and was monitored for 26 minutes. During this time, the tenants did not call into the hearing; however, the landlord and her daughter/translator/agent (agent) were present and ready to proceed with the hearing.

I continued the hearing for 26 minutes, in order to allow the tenants to call into the hearing.

While waiting for the tenants to appear, the landlord and agent were affirmed, and I heard testimony about the Notice. The copy of the Notice supplied by the tenants was the first two pages of the four-page Notice. The landlord had not supplied a copy of the Notice.

The landlord confirmed that they had failed to obtain the necessary permits and approvals required by law, prior to issuing the Notice to the tenants on February 17, 2021. The Notice listed an end of tenancy, or move-out, date of June 17, 2021.

Rules 7.3 and 7.4 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.

7.4 Evidence must be presented

Evidence must be presented by the party who submitted it, or by the party's agent.

If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

Accordingly, in the absence of any evidence or submissions from the tenants at the hearing, I order the application **dismissed, without leave to reapply**.

The Act requires that notices to end tenancy issued by the landlord be in the approved form due to the fact that the approved forms contain all of the required information for a tenant.

As neither party filed a full copy of the Notice, I was unable to determine whether the Notice was in the proper form with content meeting the statutory requirements under section 52 the Act. Additionally, the landlord confirmed that they did not obtain the necessary permits or approvals required by law prior to issuing the Notice to the tenant.

I therefore did not grant the landlord an order of possession of the rental unit under section 55(1) of the Act.

The landlord is at liberty to apply for dispute resolution for an order of possession of the rental unit.

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: May 27, 2021