



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC; CNC, FFT

Introduction

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

- an Order of Possession for cause, pursuant to section 55.

This hearing also dealt with the tenants' application pursuant to the *Act* for:

- cancellation of the landlords' One Month Notice to End Tenancy for Cause, dated February 22, 2021 ("1 Month Notice"), pursuant to section 47; and
- authorization to recover the filing fee for this application, pursuant to section 72.

The two landlords did not attend this hearing, which lasted approximately 11 minutes. The two tenants (male and female) attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The two landlords did not attend at the appointed time set for the hearing, although I waited until 9:41 a.m. to enable them to participate in this hearing scheduled for 9:30 a.m. I confirmed that the correct call-in numbers and participant codes had been provided in both Notices of Hearing. I also confirmed from the teleconference system that the two tenants and I were the only people who called into this teleconference.

Rule 6.11 of the Residential Tenancy Branch ("RTB") *Rules of Procedure* ("Rules") does not permit a recording of a hearing by any party.

I explained the hearing process to the tenants. The tenants had an opportunity to ask questions. The tenants did not make any accommodation or adjournment requests.

At the outset of the hearing, the female tenant confirmed that the tenants vacated the rental unit on May 2 or 3, 2021 and they were no longer disputing the 1 Month Notice. I notified her that the tenants' entire application was dismissed without leave to reapply, including the \$100.00 filing fee, as the tenants were not pursuing their application at this hearing. She confirmed her understanding of same.

Dismissal of Landlords' Application

Rule 7.3 of the RTB *Rules* 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 landlords, I order the landlords' entire application dismissed without leave to reapply.

Conclusion

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

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

The landlords' 1 Month Notice, dated February 22, 2021, is cancelled and of no force or effect.

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: June 15, 2021

Residential Tenancy Branch