



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL, OLC, LAT, FFT

### Introduction

On April 28, 2021, the Tenants submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (the “Act”) to cancel a Two Month Notice to End Tenancy, to order the Landlord to comply with the Act, to authorize a lock change, and to claim reimbursement for the filing fee. The matter was set for a participatory hearing via conference call.

### Preliminary Matter

The Landlord attended the conference call hearing; however, the Tenants did not attend at any time during the 10-minute hearing. The Tenants were emailed a copy of the Notice of a Dispute Resolution Hearing by the Residential Tenancy Branch on May 10, 2021; however, did not attend the teleconference hearing set for today at 11:00 a.m.

Rule 7.3 of the *Residential Tenancy Branch Rules of Procedure* states if a party or their agent fails to attend a 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.

As the Tenant did not call into the conference, I dismiss the Tenants’ Application without leave to reapply as the Tenants failed to attend the hearing to present the merits of their Application or, at the very least, cancel their scheduled hearing in advance of the hearing.

Section 55(1) of the Act requires that when a tenant submits an Application for Dispute Resolution seeking to cancel a Notice to End Tenancy issued by a landlord, I must consider if the landlord is entitled to an Order of Possession if the Application is dismissed and the landlord has issued a Notice to End Tenancy that is compliant with the Act. In this case, the Landlord stated that the Tenants had abandoned the rental



unit in July 2021, and she did not require an Order of Possession. As such, I find that I do not need to consider the issuance of an Order of Possession.

Conclusion

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

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: August 31, 2021

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Residential Tenancy Branch