



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding VISIO DEVELOPMENT LTD.
FRASER PROPERTY REALTY SERVICE LTD. and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, FFT

Introduction

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

- cancellation of the landlords' One Month Notice to End Tenancy for Cause, dated April 26, 2021 ("1 Month Notice"), pursuant to section 47.

The two applicant tenants did not attend this hearing, which lasted approximately 11 minutes. The respondent landlords' agent ("landlord") attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

This hearing began at 11:00 a.m. and ended at 11:11 a.m. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlord and I were the only people who called into this teleconference.

The landlord confirmed that she was the property manager for the landlord realty service company named in this application. She said that the landlord development company named in this application owned the rental unit. She stated that she had permission to represent both landlord companies named in this application at this hearing.

I informed the landlord that Rule 6.11 of the Residential Tenancy Branch ("RTB") *Rules of Procedure* does not permit recording of this hearing by anyone. The landlord affirmed, under oath, that she would not record this hearing.

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

The landlord confirmed receipt of the tenants' application for dispute resolution hearing package. In accordance with sections 89 and 90 of the *Act*, I find that the landlords were duly served with the tenants' application.

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 landlords are entitled to an order of possession, provided that the notice meets the requirements of section 52 of the *Act*.

The landlord stated that she did not require an order of possession because tenant RI moved out of the rental unit on August 16, 2021, and tenant CI signed a mutual agreement to end tenancy to move out on September 30, 2021. I notified the landlord that I would not issue an order of possession against the tenants, since the landlord did not request one. The landlord confirmed her understanding of same.

Conclusion

The tenants' entire application is dismissed without leave to reapply. The landlords are not issued 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: September 03, 2021

Residential Tenancy Branch