



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL

Introduction and Preliminary Matters

On May 7, 2021, the Tenants applied for a Dispute Resolution proceeding seeking to cancel a Two Month Notice to End Tenancy for Landlord's Use of Property (the "Notice") pursuant to Section 49 of the *Residential Tenancy Act* (the "Act").

The Tenants attended the hearing with S.D. attending as their counsel; however, the Landlord did not attend the hearing at any point during the 18-minute teleconference. At the outset of the hearing, I informed the parties that recording of the hearing was prohibited and they were reminded to refrain from doing so. They acknowledged this term. As well, all parties in attendance, with the exception of S.D., provided a solemn affirmation.

Tenant J.D. advised that he did not serve the Landlord the Notice of Hearing package. Based on this undisputed testimony, I am not satisfied that the Landlord was served with the Notice of Hearing package in accordance with the Rule of Procedure. As well, he stated that they gave up vacant possession of the rental unit on July 1, 2021.

As such, based on both of these issues, I dismiss the Tenants' Application without leave to reapply.

Conclusion

I dismiss the Tenants' Application 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: September 14, 2021