



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNC, CNR, MNDCT, OLC

Introduction

This hearing was convened in response to two Applications for Dispute Resolution filed by the Tenants.

The Tenants filed an Application for Dispute Resolution in which they applied to set aside a One Month Notice to End Tenancy for Cause.

The Tenants filed an Application for Dispute Resolution in which they applied to set aside a Ten Day Notice to End Tenancy for Unpaid Rent or Utilities, for an Order requiring the Landlord to comply with the *Residential Tenancy Act (Act)* and/or the tenancy agreement, and for a monetary Order for money owed or compensation for loss.

The Agent for the Landlord stated that the Landlord was not aware the Tenants had filed an Application for Dispute Resolution in which they applied to cancel a One Month Notice to End Tenancy for Cause and for a monetary Order. She stated that the Landlord was personally served with the Application for Dispute Resolution in which the Tenants applied to cancel a Ten Day Notice to End Tenancy for Unpaid Rent or Utilities.

Issue(s) to be Decided

Should the One Month Notice to End Tenancy for Cause, served pursuant to section 47 of the *Residential Tenancy Act (Act)*, be set aside?

Should the Ten Day Notice to End Tenancy for Unpaid Rent or Utilities, served pursuant to section 46 of the *Act*, be set aside?

Is there a need to issue an Order requiring the Landlord to comply with the *Act* and/or the tenancy agreement?

Are the Tenants entitled to compensation for loss of quiet enjoyment?

Background and Evidence

This hearing was scheduled to commence at 11:00 p.m. today. I dialed into the teleconference at 11:02 a.m. The Landlord attended the teleconference sometime prior to 11:02 a.m. Neither of the Tenants attended the hearing prior to the teleconference being terminated at 11:12 a.m.

The Agent for the Landlord stated that:

- On May 04, 2021 the Landlord served the Tenants with a Ten Day Notice to End Tenancy for Unpaid Rent or Utilities, which declared they must vacate the unit by May 14, 2021;
- The rental unit was vacated on June 15, 2021 and, as such, the Landlord does not require an Order of Possession; and
- There is no rent currently outstanding.

Analysis

As the Tenants did not attend the hearing to establish that they served the Landlord with the Application for Dispute Resolution in which they applied to set aside a One Month Notice to End Tenancy for Cause, and the Landlord does not acknowledge receiving this document, I find that the Tenants failed to diligently pursue this Application for Dispute Resolution. I therefore dismiss this Application for Dispute Resolution, without leave to reapply.

As the Tenants did not attend the hearing in support of the Application for Dispute Resolution in which they applied for a monetary Order, to cancel the Ten Day Notice to End Tenancy for Unpaid Rent or Utilities, and an Order requiring the Landlord to comply with the *Act* and/or the tenancy agreement, I find that the Tenants also failed to

diligently pursue this Application for Dispute Resolution I therefore dismiss this Application for Dispute Resolution, without leave to reapply.

Conclusion

Both Applications for Dispute Resolution are dismissed, 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 20, 2021

Residential Tenancy Branch