



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding DIVERSE PROPERTY MANAGEMENT
LTD. and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, FFT (Tenants)
 OPC, FFL (Landlord)

Introduction

This hearing was convened by way of conference call in response to cross Applications for Dispute Resolution filed by the parties.

The Tenants filed the application July 02, 2021 (the “Tenants’ Application”). The Tenants applied to dispute a One Month Notice to End Tenancy for Cause (the “Notice”). The Tenants also sought reimbursement for the filing fee.

The Landlord filed the application July 29, 2021 (the “Landlord’s Application”). The Landlord sought an Order of Possession based on the Notice as well as reimbursement for the filing fee.

Preliminary Matters

S.M. and A.K. appeared at the hearing as agents for the Landlord. Nobody appeared at the hearing for the Tenants. I waited 10 minutes at the outset of the hearing to allow the Tenants to call into the conference; however, the Tenants did not do so.

S.M. and A.K. advised that the Tenants vacated the rental unit August 31, 2021 and that the Landlord is no longer seeking an Order of Possession or the filing fee. S.M. and A.K. confirmed the Landlord is withdrawing the Landlord’s Application.

In relation to the Tenants’ Application, rule 7.3 of the Rules of Procedure states that an arbitrator can dismiss an application without leave to re-apply if a party fails to attend the hearing. The Tenants did fail to attend the hearing and therefore the Tenants’ Application is dismissed without leave to re-apply. Although this would usually trigger

section 55(1) of the *Residential Tenancy Act* (the “*Act*”) in relation to issuing the Landlord an Order of Possession, the Landlord is not seeking an Order of Possession and therefore I decline to consider whether one should be issued pursuant to section 55(1) of the *Act*.

Conclusion

The Tenants’ Application is dismissed without leave to re-apply.

The Landlord’s Application is withdrawn.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: October 29, 2021

Residential Tenancy Branch