



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL-MT

Introduction

On June 29, 2021, the Tenants submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (the “Act”) requesting to cancel a Two Month Notice to End Tenancy and to request more time to dispute the Two Month Notice. The matter was set for a participatory hearing via conference call.

Preliminary Matter

This hearing was scheduled for a conference call hearing on this date.

Rule 7.1 of the *Residential Tenancy Branch - Rules of Procedure* stipulates that the hearing must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the Application, with or without leave to re-apply.

The Tenants were emailed a copy of the Notice of a Dispute Resolution Hearing by the Residential Tenancy Branch on July 15, 2021; however, did not attend the teleconference hearing set for today at 11:00 a.m. The only person to call into the hearing was the Landlord who indicated that they were ready to proceed. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding. I also confirmed from the teleconference system that the only persons who had called into this teleconference was the Landlord and myself.

The Landlord stated that the Tenants moved out of the rental unit in August 2021 and as such, that he did not require an Order of Possession for the rental unit.

As a result, I dismissed the Tenant’s Application without leave to reapply as the Tenants failed to attend the hearing to present the merits of their Application.

Analysis

I have dismissed the Tenants' Application for Dispute Resolution without leave to reapply.

I find that I do not have to consider the issuance of an Order of Possession under section 55 of the Act as the Landlord stated that the Tenants have moved out of the rental unit; therefore, the Landlord does not require an Order of Possession for the unit.

Conclusion

I dismiss the Tenants' 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: October 25, 2021

Residential Tenancy Branch