



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding HomeLife Advantage Realty Ltd. and [tenant name
suppressed to protect privacy]

DECISION

Dispute Codes Tenant: CNC
Landlord: OPC

Introduction

This hearing was convened as a result of cross applications filed by the parties. The participatory hearing was held, by teleconference, on November 1, 2021. The Tenants applied to cancel a 1 Month Notice to End Tenancy for Cause, and the Landlord applied for an order of possession based off this same 1 Month Notice to End Tenancy for Cause, pursuant to the *Residential Tenancy Act* (the “Act”).

The Landlord attended the hearing. However, the Tenant did not. The hearing was by telephone conference and began promptly, as scheduled, at 9:30 am, Pacific Time on November 1, 2021, as per the Notice of a Dispute Resolution Hearing provided to each of the parties. The line remained open while the phone system was monitored for 10 minutes and the only participant who called into the hearing during this time was the Landlord who was ready to proceed. The Landlord testified that they have already obtained an order of possession last week as part of a separate dispute resolution proceeding. The related file number was provided and is listed on the front page of this decision. The Landlord stated they do not need another order of possession and do not require this hearing, or the related application they filed for an order of possession based off the 1 Month Notice.

The Tenant was given 10 Minutes to attend the hearing. After the ten minute waiting period, the Tenant’s application was **dismissed, in full, without leave to reapply**. Further, given that the Landlord already obtained an order of possession last week based on a different Notice to End Tenancy, the Landlord does not need this application or any further order of possession pursuant to section 55 of the Act.

Given the tenancy is already ending by way of a different Notice to End Tenancy, and an order of possession has already been issued for that matter, I find both applications

scheduled for today's proceeding are moot, and not required. I dismiss both applications, in full, without leave.

Conclusion

Both applications are dismissed, in full, 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: November 01, 2021

Residential Tenancy Branch