



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, OLC, MNDCT, RR, PSF, OT, FFT

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution ("Application") under the *Residential Tenancy Act* ("Act"), for:

- an Order cancelling a Two Month Notice to End Tenancy for Landlord's Use of Property dated July 6, 2021 ("Two Month Notice");
- an Order for the Landlord to Comply with the Act or tenancy agreement;
- a Monetary Order of \$1,200.00 for damage or compensation under the Act;
- an Order to reduce the rent by \$100.00 for repairs, services or facilities agreed upon, but not provided;
- an Order to provide services or facilities required by the tenancy agreement or law;
- another matter not listed on the Application for dispute resolution; and
- recovery of the \$100.00 cost of his Application filing fee.

The Landlords appeared at the teleconference hearing, but no one attended on behalf of the Tenant. The teleconference phone line remained open for over ten minutes and was monitored throughout this time. The only persons to call into the hearing were the Landlords, who indicated that they were ready to proceed. I confirmed that the teleconference codes provided to the Parties were correct and that the only persons on the call, besides me, were the Landlords.

Rule 7.1 of the Residential Tenancy Branch ("RTB") Rules of Procedure ("Rules") states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. The Respondent Landlords and I attended the hearing on time and were ready to proceed, and there was no evidence before me that the Parties had agreed to reschedule or adjourn the matter; accordingly, I commenced the hearing at 9:30 a.m. on November 22, 2021, as scheduled.

Rule 7.3 states that if a party or their agent fails to attend the hearing, the Arbitrator may

conduct the dispute resolution hearing in the absence of that party or dismiss the application, with or without leave to reapply. The teleconference line remained open for over ten minutes, however, neither the Applicant nor an agent acting on his behalf attended to provide any evidence or testimony for my consideration.

The Landlords said that the Tenant moved out of the residential property on October 1, 2021, which they said was only a day late, pursuant to the Two Month Notice. They said that their son and daughter-in-law have moved into the rental unit, which was the purpose set out as the grounds for the Two Month Notice. As such, they said they do not need an order of possession for the residential property.

As the Tenant did not attend to present the merits of his Application, and pursuant to section 62 of the Act and Rule 7.3, I dismiss the Tenant's Application wholly, without leave to reapply.

Conclusion

The Tenant's Application is dismissed without leave to reapply, as the Tenant or an Agent for the Tenant did not attend the hearing to present the merits of the Application. The Respondent Landlords did attend the hearing.

This Decision does not extend any applicable time limits under the Act.

This Decision will be emailed to the address provided by the Tenant in his Application, and to the address provided by the Landlords during the hearing.

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 22, 2021

Residential Tenancy Branch