



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL-MT, OLC, FFT

Introduction

This hearing was scheduled to convene at 1:30 p.m. this date by way of conference call concerning an application made by the tenants seeking more time than prescribed to dispute a notice to end the tenancy; an order cancelling a Two Month Notice to End Tenancy For Landlord's Use of Property; an order that the landlord comply with the *Residential Tenancy Act*, regulation or tenancy agreement; and to recover the filing fee from the landlord for the cost of the application.

The landlord attended the hearing prepared to respond to the tenants' application, however the line remained open while the telephone system was monitored for in excess of 10 minutes and no one for the tenants joined the call during that time.

The landlord advised that the tenants vacated the rental unit on or about October 23, 2021 and has provided a copy of a Mutual Agreement to End Tenancy containing that effective date of vacancy.

Since the tenants have not attended the hearing, I dismiss the tenants' application in its entirety without leave to reapply.

The *Residential Tenancy Act* specifies that where I dismiss a tenant's application to cancel a notice to end a tenancy given by a landlord, I must grant an Order of Possession in favour of the landlord, so long as the notice given is in the approved form. In this case, the landlord advised that the landlord has possession, and therefore, I decline to provide an Order of Possession.

Conclusion

For the reasons set out above, the tenants' application is hereby dismissed in its entirety 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: December 13, 2021

Residential Tenancy Branch