



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CASCADIA APARTMENT RENTALS
LTD and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

For the landlord: OPC FFL
For the tenants: CNC

Introduction

This hearing was convened as a result of an Application for Dispute Resolution (application) by the landlord and the tenants both seeking remedy under the *Residential Tenancy Act* (Act). The landlord applied for an order of possession based on a 1 Month Notice for Cause dated August 17, 2021 (1 Month Notice) and to recover the cost of the filing fee. The tenants applied to cancel the 1 Month Notice.

The tenants attended the teleconference hearing. The hearing process was explained to the tenants and an opportunity was given to ask questions about the hearing process. Thereafter the tenants gave affirmed testimony and were provided the opportunity to present their evidence orally and in documentary form prior to the hearing and make submissions to me.

Preliminary and Procedural Matters

The tenants were informed at the start of the hearing that recording of the dispute resolution is prohibited under the Residential Tenancy Branch (RTB) Rules of Procedure (Rules) Rule 6.11. The tenants were also informed that if any recording devices were being used, they were directed to immediately cease the recording of the hearing. In addition, the tenants were informed that if any recording was surreptitiously made and used for any purpose, they will be referred to the RTB Compliance Enforcement Unit for the purpose of an investigation under the Act. Neither tenant had any questions about my direction pursuant to RTB Rule 6.11.

In addition, the tenants confirmed they did not have an email address and as a result were advised that the decision would be mailed to them. The decision will also be emailed to the landlord at the email address provided by the landlord in their application.

The landlord did not attend the hearing, which lasted 11 minutes. The landlord was provided with a copy of the Notice of a Dispute Resolution Hearing dated September 15, 2021 (Notice of Hearing). The phone line remained open for 11 minutes and was monitored throughout this time. The only persons to call into the hearing were the two tenants.

Following the ten-minute waiting period, the application of the landlord was **dismissed without leave to reapply** as the landlord failed to attend the hearing to present the merits of their application. This decision does not extend any applicable time limits under the Act.

As the tenants confirmed that they did not serve their Notice of Hearing on the landlord, I find the landlord was not sufficiently served with the tenants' application and I dismiss the tenant's application without leave to reapply as this matter is now moot as the landlord's application has been dismissed without leave to reapply.

I ORDER the tenancy to continue until ended in accordance with the Act as the landlord failed to attend the hearing and their application was dismissed without leave to reapply. I find the tenants' application is now moot as the tenancy has already been ordered to continue.

Analysis

Pursuant to section 62(3) of the Act, the tenancy has been ordered to continue until ended in accordance with the Act.

Both applications are dismissed, without leave to reapply.

The landlord is not granted the filing fee.

The tenants' filing fee was waived.

Conclusion

The 1 Month Notice is of no force or effect as both applications have been dismissed without leave to reapply.

The tenancy shall continue until ended in accordance with the Act.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: January 7, 2022

Residential Tenancy Branch