



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNC

Introduction

This hearing was convened in response to the Tenants' Application for Dispute Resolution, in which the Tenants applied to cancel a One Month Notice to End Tenancy for Cause.

The Agent for the Landlord stated that the Dispute Resolution Package was served to the Landlord on February 09, 2022 or February 10, 2022.

The Agent for the Landlord stated that no evidence was served the Landlord. As there is no proof that evidence was served to the Landlord for these proceedings, none of the documents submitted to the Residential Tenancy Branch were accepted as evidence for these proceedings.

On March 12, 2022 the Landlord submitted evidence to the Residential Tenancy Branch. The Agent for the Landlord stated that this evidence was served to the Tenant, via registered mail, on April 01, 2022. On the basis of the undisputed testimony, I find that these documents were served to the Tenant and they were accepted as evidence for these proceedings.

On April 16, 2022 the Landlord submitted evidence to the Residential Tenancy Branch. The Agent for the Landlord stated that this evidence was not served to the Tenant. As this evidence was not served to the Tenant, it was not accepted as evidence for these proceedings.

Issue(s) to be Decided

Should the One Month Notice to End Tenancy for Cause, served pursuant to section 47 of the *Residential Tenancy Act (Act)*, be set aside?

Background and Evidence

The teleconference hearing was scheduled for 11:00 a.m. on this date. The Landlord attended the hearing but by the time the teleconference was terminated at 11:20 a.m., the Tenant had not appeared.

The Agent for the Landlord stated that the rental unit has been vacated, the Landlord has legal possession of the rental unit, and an Order of Possession is not required by the Landlord.

Analysis

I find that the Tenant failed to diligently pursue the Application for Dispute Resolution and I therefore dismiss the Application without leave to reapply.

As the Landlord already has legal possession of the rental unit, I find there is no need to grant the Landlord an Order of Possession.

Conclusion

The Application for Dispute Resolution is dismissed, 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 *Act*.

Dated: April 29, 2022

Residential Tenancy Branch