



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes TT: CNC, OLC, FFT, CNL, ERP
 LL: OPL, FFL

Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by the parties under the *Residential Tenancy Act* (the “*Act*”).

The Tenants’ Application for Dispute Resolution was made on March 2, 2022 (the “Tenants’ Application”). The Tenants amended their Application on April 8, 2022 to add further claims. The Tenants applied for the following relief, pursuant to the *Act*:

- an order to cancel a Two Month Notice to End Tenancy for Landlord’s Use of Property (the “Two Month Notice”) dated March 28, 2022;
- an order cancelling a One Month Notice to End Tenancy for Cause;
- an order that the Landlord comply with the *Act*, tenancy agreement or regulation;
- an order for emergency repairs; and
- an order granting the return of the filing fee.

The Landlord’s Application for Dispute Resolution was made on April 14, 2022 (the “Landlord’s Application”). The Landlord applied for the following relief, pursuant to the *Act*:

- an order of possession based on the Two Month Notice; and
- an order granting recovery of the filing fee.

The hearing was scheduled for 9:30 AM on June 13, 2022 as a teleconference hearing. The Seller V.S., the purchaser S.B., and their Agent N.V. attended the hearing at the appointed date and time and provided affirmed testimony. No one appeared for the Tenants. The conference call line remained open and was monitored for 14 minutes before the call ended. I confirmed that the correct call-in numbers and participant codes

had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the seller, purchaser, their agent, and I were the only persons who had called into this teleconference.

Preliminary Matters

Rule 7.3 of the Rules of Procedure states that if a party does not attend the hearing, the hearing may proceed without that party or the application may be dismissed with or without leave to reapply. As no one attended the hearing for the Tenants, I dismiss the Tenant's application without leave to reapply.

I note that Section 55 of the *Act* requires that when a Tenant submits an Application for Dispute Resolution seeking to cancel a notice to end tenancy issued by a Landlord I must consider if the Landlord is entitled to an order of possession if the Application is dismissed and the Landlord has issued a notice to end tenancy that is compliant with the *Act*.

At the start of the hearing, the seller and purchaser both confirmed that the Tenants vacated the rental unit on June 1, 2022 and that the purchaser has gained vacant possession of the rental unit. As such, I find that the Landlord's Application for an order of possession is now moot, therefore, I dismiss the Landlord's Application 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: June 13, 2022

Residential Tenancy Branch