



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction and Analysis

This hearing dealt with an Application for Dispute Resolution (application) by the tenants seeking remedy under the *Residential Tenancy Act* (Act) to cancel a 1 Month Notice to End Tenancy for Cause (1 Month Notice).

The tenants were provided with a copy of the Notice of a Dispute Resolution Hearing dated March 10, 2022 (Notice of Hearing). The tenants; however, did not attend the hearing set for this date, Friday, June 17, 2022 at 11:00 a.m. Pacific Time. The phone line remained open for ten minutes and was monitored throughout this time. The only persons to call into the hearing were the landlord and their agent.

Residential Tenancy Branch (RTB) Rules of Procedure (Rules) 7.1, 7.3 and 7.4 apply and state:

#### **7.1 Commencement of the dispute resolution hearing**

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

#### **7.3 Consequences of not attending the hearing**

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 re-apply.

#### **7.4 Evidence must be presented**

Evidence must be presented by the party who submitted it, or by the party's agent. If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

Given the above and following the 10-minute waiting period, the application of the tenants was **dismissed without leave to reapply**. This decision does not extend any applicable time limits under the Act. The respondent attended the hearing, yet the applicant tenants did not attend the hearing to present the merits of their application.

As the filing fee was already waived, it is not granted.

The agent confirmed that the landlord has not issued a 1 Month Notice and as a result, I am unable to grant an Order of Possession during the hearing. The landlord is at liberty to issue a notice to end tenancy if applicable.

### Conclusion

The tenants' application is dismissed without leave to reapply.

As a 1 Month Notice was not issued, an order of possession is not granted.

This decision will be emailed to both parties.

This decision is final and binding on the parties, except as 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: June 17, 2022

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Residential Tenancy Branch