



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL-4M, FFT (Tenants)
 OPL, FFL (Landlord)

Introduction

This hearing was convened by way of conference call in response to cross Applications for Dispute Resolution filed by the parties.

The Tenants filed their application March 06, 2022 (the “Tenants’ Application”). The Tenants applied as follows:

- To dispute a Four Month Notice to End Tenancy for Demolition, Renovation, or Conversion to Another Use (the “Four Month Notice”)
- To recover the filing fee

The Landlord filed their application March 08, 2022 (the “Landlord’s Application”). The Landlord applied as follows:

- For an Order of Possession based on a Two Month Notice to End Tenancy for Landlord's Use of Property
- To recover the filing fee

The Tenant appeared at the hearing. Nobody appeared at the hearing for the Landlord.

Tenants’ Application

The Tenant said they no longer live at the rental unit. The Tenant sought to withdraw the Tenants’ Application.

The Tenant testified that they did not serve the hearing package or evidence for the Tenants’ Application on the Landlord because the Landlord said they already had the necessary papers for the Landlord’s Application.

Given the Tenant did not serve the hearing package and evidence for the Tenants' Application on the Landlord, the Tenants' Application is dismissed with leave to re-apply as it relates to the dispute of the Four Month Notice and without leave to re-apply as it relates to the filing fee. This decision does not extend any time limits set out in the *Residential Tenancy Act* (the "Act").

Landlord's Application

I waited 10 minutes for the Landlord to call into the hearing; however, the Landlord did not do so, and I ended the hearing at 11:10 a.m.

Rule 7.3 of the Rules states:

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.

The Landlord did not appear at the hearing and the Tenant did. Given this, the Landlord's Application is dismissed without leave to re-apply.

Conclusion

The Tenants' Application is dismissed with leave to re-apply as it relates to the dispute of the Four Month Notice and without leave to re-apply as it relates to the filing fee. This decision does not extend any time limits set out in the *Act*.

The Landlord's Application is dismissed without leave to re-apply.

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: June 20, 2022

Residential Tenancy Branch