



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OLC, FFT

Introduction

This hearing was convened as a result of the Tenants' application under the *Residential Tenancy Act* (the "Act") for:

- cancellation of a One Month Notice to End Tenancy for Cause dated July 10, 2022 pursuant to section 47;
- an order that the Landlords comply with the Act, the regulations, or tenancy agreement pursuant to section 62; and
- authorization to recover the filing fee for this application from the Landlords pursuant to section 72.

The Landlords attended this hearing. The Tenants did not attend. I left the teleconference hearing connection open until 11:13 am in order to enable the Tenants to call into the hearing scheduled to start at 11:00 am. I confirmed that the correct call-in numbers and participant access code had been provided in the notice of dispute resolution proceeding. I used the teleconference system to confirm that the Landlords and I were the only ones who had called into the hearing.

Preliminary Matter – Service of Dispute Resolution Documents

The Landlords explained that they had not received notice of this hearing until one day before the hearing. Records of the Residential Tenancy Branch (the "Branch") indicate that the Branch provided the Landlords with a courtesy copy of the notice of dispute resolution proceeding package on September 15, 2022. I find the Tenants did not serve the Landlords with notice of this hearing in accordance with the Act.

Preliminary Matter – Tenancy Has Ended

The Landlords confirmed that the Tenants have vacated the rental unit. Based on this evidence, I find the Tenants' claims on this application are moot, and that it is not necessary for me to consider an Order of Possession for the Landlords.

Preliminary Matter – Tenants’ Non-Attendance

Rule 7.3 of the Rules of Procedure provides as follows:

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.

As the Tenants did not attend this hearing for their own application while the Landlords duly attended, and given that I have found the Tenants’ claims to be moot, I order the Tenants’ application dismissed without leave to re-apply.

Conclusion

The Tenants’ 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 *Residential Tenancy Act*.

Dated: September 16, 2022

Residential Tenancy Branch