



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FFT

Introduction

This hearing was scheduled to convene at 11:00 a.m. on September 8, 2022 concerning an application made by the tenants seeking an order cancelling a notice to end the tenancy for cause and to recover the filing fee from the landlord for the cost of the application.

An agent for the landlord attended the hearing with an observer, and gave affirmed testimony. However the line remained open while the telephone system was monitored for in excess of 10 minutes prior to hearing any testimony, and no one for the tenants joined the call. Therefore, I dismiss the tenants' application without leave to reapply.

The *Residential Tenancy Act* specifies that where I dismiss a tenant's application to cancel a notice to end a tenancy given by a landlord, I must grant an Order of Possession in favour of the landlord, so long as the notice given is in the approved form.

The tenants have provided a copy of the first page only of a One Month Notice to End Tenancy for Cause, and the landlord has not provided any copies. Therefore, I cannot be satisfied that any notice given was in the approved form, and I decline to issue an Order of Possession. The landlord is at liberty to make that application.

Since the tenants have not been successful with the application, the tenants are not entitled to recovery of the filing fee.

Conclusion

For the reasons set out above, the tenants' application is hereby dismissed in its entirety 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: September 11, 2022

Residential Tenancy Branch