



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNC, OLC**

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution, made on October 27, 2022 (the "Application"). The Tenants applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- to cancel a One Month Notice to End Tenancy for Cause;
- an order that the Landlord comply with the Act.

The hearing was scheduled for 11:00 AM on March 6, 2023 as a teleconference hearing. The Landlords attended the hearing at the appointed date and time. No one appeared for the Tenants. The conference call line remained open and was monitored for 11 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 Landlords 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 Tenants' 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*.

I note that neither party submitted a copy of the One Month Notice to End Tenancy for Cause in their documentary evidence. As such, I do not provide the Landlords with an Order of Possession as provided under section 55(1) of the Act as I do not have a copy of a notice to end tenancy before me and I am unable to verify that the notice complies with the form and content requirements of the Act. The Landlords are at liberty to file his own Application for Dispute Resolution to seek an Order of Possession if they are of the view they are entitled to one.

Conclusion

No one attended the hearing for the Tenants; therefore, the Tenants' Application is dismissed 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: March 06, 2023

Residential Tenancy Branch