



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes **CNC, OPQ, OPB, FFL**

Introduction

This hearing was convened by way of conference call in response to cross Applications for Dispute Resolution filed by the parties pursuant to the Residential Tenancy Act (the "Act") for Orders as follows:

The tenant applied as follows:

- For cancellation of the landlords' One Month Notice to End Tenancy for Cause ("One Month Notice") pursuant to section 47 of the Act

The landlord applied as follows:

- For an order of possession pursuant to section 55 of the Act
- For reimbursement of the filing fee pursuant to section 72 of the Act

While the landlords attended the hearing by way of conference call, the applicant tenant did not, although I waited until 9:40 am in order to enable the tenant to connect with this teleconference hearing scheduled for 9:30 am. The landlords attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

Rule 7.1 of the Rules of Procedure provides as follows:

7.1 Commencement of the hearing The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the

absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

The landlords stated that they served the tenant with the dispute notice and supporting materials by registered mail on December 30, 2022. They provided a Canada Post receipt and tracking number in evidence. I find the tenant deemed served on January 4, 2023 in accordance with sections 88, 89 and 90 of the Act.

The landlords advised that the tenant moved out of the rental unit on March 4, 2023. Therefore they no longer required an order of possession for the rental unit. As the tenant did not attend and based on the landlords' submissions, I dismiss both the tenant's dispute application and the landlords' dispute application.

Conclusion

All parties' applications are dismissed.

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 14, 2023

Residential Tenancy Branch