



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL; CNL, FFT; CNC, FFT;

Introduction

This hearing dealt with the landlords' application, filed on August 14, 2023, pursuant to the *Residential Tenancy Act* ("Act") for:

- an order of possession for landlords' use of property, pursuant to section 55.

This hearing also dealt with the tenants' first application, filed on August 8, 2023, pursuant to the *Act* for:

- cancellation of the landlords' Two Month Notice to End Tenancy for Landlord's Use of Property ("2 Month Notice"), pursuant to section 49; and
- authorization to recover the \$100.00 filing fee paid for their application from the landlords, pursuant to section 72.

This hearing also dealt with the tenants' second application, filed on September 5, 2023, pursuant to the *Act* for:

- cancellation of the landlords' One Month Notice to End Tenancy for Cause ("1 Month Notice"), pursuant to section 47; and
- authorization to recover the \$100.00 filing fee paid for their application from the landlords, pursuant to section 72.

The two tenants did not attend this hearing. The two landlords, landlord JB ("landlord") and "landlord RH," attended this hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

This hearing lasted approximately 11 minutes from 11:00 a.m. to 11:11 a.m.

I monitored the teleconference line throughout this hearing. I confirmed that the correct call-in numbers and participant codes were provided in the notice of hearing. I also confirmed from the online teleconference system that the two landlords and I were the only people who called into this hearing.

The landlords confirmed their names and spelling. The landlord provided his email address for me to send a copy of this decision to the landlords.

The landlord provided the rental unit address. He identified himself as the primary speaker for the landlords. Landlord RH agreed to same.

Rule 6.11 of the Residential Tenancy Branch (“RTB”) *Rules of Procedure* (“Rules”) does not permit recordings of any RTB hearings by any participants. At the outset of this hearing, both landlords separately affirmed that they would not record this hearing.

I explained the hearing process to the landlords. I informed them that I could not provide legal advice to them. They had an opportunity to ask questions, which I answered. They did not make any adjournment or accommodation requests.

Preliminary Issue – Dismissal of Tenants’ Two Applications

The landlord confirmed receipt of the tenants’ two applications for dispute resolution hearing packages. In accordance with section 89 of the *Act*, I find that both landlords were duly served with the tenants’ two applications.

Rule 7.3 of the RTB *Rules* states the following:

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.

In the absence of any appearance or submissions from the applicant tenants at this hearing, I order the tenants’ two applications dismissed in their entirety, without leave to reapply.

I informed the landlords about my decision verbally during this hearing. They affirmed their understanding of same.

Pursuant to section 55 of the *Act*, if I dismiss the tenants' application to cancel a 1 Month Notice and a 2 Month Notice, the landlords may be entitled to an order of possession, if the notices comply with section 52 of the *Act*, and the landlords provide sufficient evidence of the notices and the reasons they were issued.

Preliminary Issue – Dismissal of Landlords' Application

The landlords confirmed that they did not require an order of possession because the tenants vacated the rental unit, and even though the keys had not been returned by them, the landlords were planning to change the locks. They said that they did not want to pursue their application for an order of possession against the tenants.

I informed the landlords that their application for an order of possession was dismissed without leave to reapply. They affirmed their understanding of and agreement to same.

Conclusion

The tenants' two applications are dismissed in their entirety, without leave to reapply.

The landlords' 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: December 04, 2023

Residential Tenancy Branch