



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, RP, OLC

Introduction

This hearing was scheduled to convene at 11:00 a.m. on December 22, 2023 by way of conference call concerning an application made by the tenants seeking an order cancelling a notice to end the tenancy for cause; an order that the landlord make repairs to the rental unit or property; and for an order that the landlord comply with the *Residential Tenancy Act* or the tenancy agreement.

The landlord attended the hearing prepared to respond to the tenants' application. However, the line remained open while the telephone system was monitored for in excess of 10 minutes and no one for the tenants joined the call. Therefore, I dismiss the tenants' application in its entirety without leave to reapply.

The law states 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.

In this case, the landlord advised that the tenants did not serve the landlord with the Notice of Dispute Resolution Proceeding or any other required documents, but provided the landlord with a text message indicating that the parties have an arbitration hearing scheduled for December 22, 2023. The tenants had applied for a substitutional service order permitting the tenants to serve the landlord by text message, however that application was not successful. The landlord did not serve the tenants with the landlord's evidence.

The tenants have not provided all pages of a notice to end the tenancy. Any evidence that a party wishes to rely on must be provided to the other party, even if they already have a copy because it is important for all parties to know what is before me. Since the

landlord has not provided the tenants with a copy of the landlord's evidence, I cannot consider it, and since the tenants have not provided a full copy of a notice to end the tenancy, I am not satisfied that the notice given was given in the approved form. Therefore, I decline to grant an order of possession in favour of the landlord. The landlord is at liberty to apply for an order of possession.

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: December 22, 2023

Residential Tenancy Branch