



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Municipal Affairs

DECISION

Dispute Codes For the Tenant: CNLU-P-MT
For the landlord: OPLU-P, FF

Introduction

This hearing was convened as the result of the cross applications of the parties for dispute resolution seeking remedy under the Residential Tenancy Act (Act).

The Tenant applied for:

- an order cancelling the Three Month Notice to End Tenancy for Purchaser's Use of Property (Three Month Notice) issued by the Landlords, who were the sellers
- an order extending the time to file an application disputing the Three Month Notice

The Landlords applied for:

- an order of possession of the rental unit pursuant to the Three Month Notice
- recovery of the cost of the filing fee

The Landlord CW attended; the Tenant did not attend.

The Landlord was affirmed and said that they hand delivered to the Tenant the Dispute Resolution Proceeding, which included the application, notice of hearing, and evidence (Proceeding Package) on October 1, 2025. The Landlord filed a signed proof of service on the RTB-55 form, which was also signed by the Tenant acknowledging receipt of the proceeding package. I find the Landlord submitted sufficient evidence that they served the Tenant as required by the Act.

Additionally, the Landlord testified that they had not been served with the Tenant's proceeding package.

Thereafter the Landlord was provided the opportunity to present their evidence and submissions orally, refer to documentary evidence submitted prior to the hearing, and make submissions to me.

I have reviewed the oral and written evidence before me that met the requirements of the Residential Tenancy Branch Rules of Procedure (Rules); however, I refer to only the relevant evidence regarding the facts and issues in this decision. Words utilizing the singular shall also include the plural and vice versa where the context requires.

Preliminary and Procedural Matter –

Despite having their own hearing scheduled for 11:00 AM on October 31, 2025 and having been served the Landlord's proceeding package, the Tenant failed to attend the hearing.

Rules 7.3 and 7.4 of the Rules of Procedure provides as follows:

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.

7.4 Evidence must be presented

Evidence must be presented by the party who submitted it, or by the party's agent.

If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

Accordingly, in the absence of any evidence or submissions from the Tenant at the hearing, **I order their application dismissed, without leave to reapply.**

Issue(s) to be Decided

Are the Landlords entitled to an order of possession of the rental unit and recovery of the cost of the filing fee?

Background and Evidence

The Landlord said there was no written tenancy agreement, but said that the tenancy began about 10 years earlier, with monthly rent of \$720.

The Landlord submitted evidence that on June 30, 2025, they served the Tenant with the Three Month Notice, by hand delivery. The effective date listed on the Notice was September 30, 2025. The Notice was filed into evidence, along with a signed and dated Proof of Service of the Notice. The Tenant in their application acknowledged receiving the document on June 30, 2025.

The reason listed on the Notice for ending the tenancy was all the conditions for sale of the rental unit have been satisfied and the purchaser has asked the landlord in writing to give this Notice because the purchaser or a close family member intends in good faith to occupy the rental unit for at least 12 months.

The Landlord said that the purchaser wants to move into the rental unit, but has been unable to because the Tenant remains overholding in the unit. The Landlord said the Tenant paid the monthly rent for October 2025, but they are holding the rent to give to the purchaser when they are able to move in. Further, the Tenant was given a for use and occupancy receipt for the rent payment.

Analysis

Based on the relevant oral and written evidence, and on a balance of probabilities, I find as follows:

I have reviewed the Notice and find it was completed in accordance with section 49 of the Act. I also find the Three Month Notice was completed in the approved form and the content meets the statutory requirements under section 52 the Act.

I find the Landlords submitted sufficient evidence that the Tenant was served the Three Month Notice on June 30, 2025, by personal delivery.

I also find the Landlord submitted sufficient and undisputed evidence to support the reason listed on the Notice.

I also note that the Act requires me to grant the Landlords an order of possession of the rental unit if the Tenant's application is dismissed, as done here.

I therefore order the tenancy ended on September 30, 2025, the effective date of the Notice.

As a result, I find the Landlords are entitled to an order of possession (Order) of the rental unit, pursuant to section 55(2) of the Act, effective seven (7) days after service on the Tenant.

If the Tenant fails to voluntarily comply with the Order, the Order must be served on the Tenant to be enforceable. The Order may be filed in the Supreme Court of British Columbia for enforcement as an order of that Court if it becomes necessary.

The Tenant is informed that costs of such enforcement, **such as bailiff costs**, are recoverable from the Tenant.

I grant the Landlords a monetary award of \$100 for recovery of the filing fee paid for their application.

I grant the Landlords a monetary order pursuant to section 67 and 72 of the Act for the amount of \$100.

Should the Tenant fail to pay the Landlords this amount without delay after being served the order, the order may be filed in the Provincial Court of British Columbia (Small Claims) for enforcement as an order of that Court.

Conclusion

The Tenant's application is dismissed without leave to reapply as they failed to attend the hearing to provide evidence at the hearing.

The Landlords' application for an order of possession of the rental unit is granted.

The Landlords have been granted an order of possession of the rental unit, effective seven (7) days after service on the Tenant.

The Landlords have been granted a monetary order in the amount of \$100 for the cost of the filing fee.

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: October 31, 2025

Residential Tenancy Branch