



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL-4M

Introduction

I was designated to hear this matter pursuant to section 58 of the *Residential Tenancy Act* (the *Act*). The tenants applied for cancellation of the landlord's 4 Month Notice to End Tenancy for Landlord's Use of Property (the 4 Month Notice) pursuant to section 49 of the *Act*.

One of the Respondents, AL, called into this teleconference hearing at the date and time set for the hearing of this matter. The Applicants did not, although I waited until 11:14 a.m. to enable them to connect with this teleconference hearing scheduled for 11:00 a.m. 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 Respondent AL and I were the only persons who had called into this teleconference.

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 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.

Respondent AL testified that the tenants vacated the above rental unit the night before the hearing, and a joint move-out condition inspection was scheduled for later on the day of the hearing. As the landlord already had possession of the rental unit, the landlord said that they no longer needed an Order of Possession pursuant to the 4 Month Notice issued to the tenants.

Accordingly, **in the absence of any attendance at the hearing by the Applicants and on the basis of the sworn testimony of Respondent AL, I order the application dismissed without liberty 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: November 16, 2018

Residential Tenancy Branch