



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC FFT

Introduction

This hearing was scheduled to convene at 9:30 a.m. this date by way of conference call concerning an application made by the tenants seeking an order cancelling a notice to end the tenancy for cause and to recover the filing fee from the landlord for the cost of the application.

The landlord attended the hearing prepared to respond to the tenants' application, as well as the landlord's spouse and 2 people acting as interpreter for each of the landlord and the landlord's spouse. However, the line remained open while the telephone system was monitored for 15 minutes and no one for the tenants joined the call.

The landlord advised that the tenants vacated the rental unit on or about October 15, 2018.

Since the tenants have not joined the hearing, I dismiss the tenants' application without leave to reapply.

The *Residential Tenancy Act* 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. No one has provided a copy of a notice to end the tenancy, and therefore, I cannot be satisfied that any given by the landlord was in the approved form, and therefore I decline to issue an Order of Possession.

Conclusion

For the reasons set out above, the tenants' application is hereby 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: November 29, 2018

Residential Tenancy Branch