



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MT, CNR

Introduction

Pursuant to the *Residential Tenancy Act*, R.S.B.C. (the *Act*), I was designated to hear this matter under section 58.

This hearing dealt with applications from the landlords and the tenant pursuant to the *Residential Tenancy Act* (the *Act*). The landlords applied for an Order of Possession for unpaid rent pursuant to section 55. The tenant applied for:

- more time to make an application to cancel the landlord's 10 Day Notice to End Tenancy pursuant to section 66; and
- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46.

The tenant did not attend this hearing, although I waited until 11:10 am in order to enable her to connect with this hearing. The female landlord (the landlord) attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions. The landlord testified that the tenant vacated the rental unit by October 31, 2011. The landlord withdrew her application for dispute resolution as this tenancy has ended.

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 Commencement of the dispute resolution proceeding The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the Dispute Resolution Officer. The Dispute Resolution Officer may conduct the dispute resolution proceeding in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

In the absence of any evidence or submissions from the tenant, I order the tenant's application dismissed without liberty to reapply.

Conclusion

The landlords' application for dispute resolution is withdrawn as this tenancy has ended. I dismiss the tenant's application for dispute resolution in its entirety 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 07, 2011

Residential Tenancy Branch