



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an Application for Dispute Resolution filed on August 21, 2013, by the Tenants to cancel a Notice to end tenancy issued for cause.

The applicant Tenants did not appear at the scheduled hearing however the respondent Landlords appeared.

Issues(s) to be Decided

Should the Tenants' application be dismissed with or without leave to reapply?

Background and Evidence

The Landlords testified that the Tenants called them on September 30, 2013, to advise they were in the process of moving out and that they needed more time to clean the unit. The Tenants told the Landlords that they would be returning the keys on Thursday October 3, 2013.

No evidence was submitted on behalf of the Tenants as no one attended the hearing on their behalf.

Analysis

Section 61 of the *Residential Tenancy Act* states that upon accepting an application for dispute resolution, the director must set the matter down for a hearing and that the Director must determine if the hearing is to be oral or in writing.

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.

In this case, the hearing was scheduled for an oral teleconference hearing. In the absence of the applicant Tenants, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the applicant Tenants called into the hearing during this time. Based on the aforementioned I find that the Tenants have failed to present the merits of their application and the application is dismissed, without leave to reapply.

The Landlords appeared at the hearing; however, they did not request an Order of Possession.

Conclusion

I HEREBY DISMISS the Tenants' application, without leave to reapply.

The 1 Month Notice to End Tenancy issued August 11, 2013, is in full force and effect and the effective date is September 30, 2013, at which time the tenancy ended and the Tenants were required to vacate the unit.

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 02, 2013

Residential Tenancy Branch

