



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MT, CNC, O

Introduction

This hearing commenced as a result of cross applications. In the Landlords' application they sought an Order of Possession based on a Notice to End Tenancy issued for Cause (the "Notice"). The Tenant sought an Order for more time to apply to cancel the Notice, an Order cancelling the Notice and for Other relief under the *Act*.

The matter was set for hearing by telephone conference call at 9:00 a.m. on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the Tenant.

The Tenant advised that he moved out of the rental unit on May 1, 2015. As such, his application for more time and to cancel the Notice was no longer required. The Landlord's Application for an Order of Possession was similarly moot.

Analysis and Conclusion

Rule 10.1 of the Residential Tenancy Branch Rules of Procedure provides as follows:

Commencement of 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.

As the Landlords did not attend the hearing by 9:10, and the Tenant appeared and was ready to proceed, I dismiss the Landlords' claim without leave to reapply.

The Tenants' application is also dismissed as the relief sought is no longer required.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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: May 25, 2015

Residential Tenancy Branch

