



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding FUTURE DIAMOND VENTURES LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MT, RR

Introduction

The matter was set for a hearing at 09.00 a.m. on this date to hear the tenants' application. The hearing went ahead as scheduled the landlord's agent dialed into the conference call. The line remained open for 10 minutes; however, no one for the tenants dialed into the call.

Analysis and Conclusion

Rule 7.1 of the Residential Tenancy Branch Rules of Procedure provides as follows: Commencement of Hearing: The Dispute Resolution Hearing will commence at the scheduled time unless otherwise set by the Arbitrator. Rule 7.3 provides for the consequences of not attending the hearing and states: If a party or their agent fails to attend the hearing, the Arbitrator may conduct the Dispute Resolution Hearing in the absence of that party, or dismiss the application with or without leave to reapply.

Based on the above I find that the tenants have failed to attend the hearing to present the merits of their application, and the respondent's representative did attend and was ready to proceed. The tenants' application is therefore dismissed without leave to reapply.

The landlord confirmed that the landlords' business name is not included on the application and the dispute address and the landlords' address on the application are

incorrect. These addresses have been amended and the landlords' business name added. The landlords' agent discussed obtaining an Order of Possession based on the One Month Notice to End Tenancy for cause served upon the tenants on February 03, 2016. I refer the parties to s.55 of the *Residential Tenancy Act (the Act)* which states:

55 (1) *If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant to the landlord an order of possession of the rental unit if*

(a) the landlord's notice to end tenancy complies with section 52 [form and content of notice to end tenancy], and

(b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

As the tenants did not apply to dispute this One Month Notice to End Tenancy then under s. 55 (1) of the *Act* I am unable to grant the landlord an Order of Possession at this hearing. The landlord is at liberty to file their own application for Dispute Resolution based on the One Month Notice to End Tenancy for cause.

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: April 19, 2016

Residential Tenancy Branch

