



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MT, O

Introduction

This hearing convened as a result of Tenants' Application for Dispute Resolution filed July 27, 2016 wherein the Tenants sought to cancel a 1 Month Notice to End Tenancy for Cause issued on July 9, 2016 (the "Notice") as well as more time to make such an application pursuant to section 66(1) of the *Residential Tenancy Act*, and other unspecified relief.

Only the Landlord's Resident Property Manager, C.R., appeared at the hearing. She confirmed that she is an employee of the corporate Landlord and was incorrectly named by the Tenants on their Application. Pursuant to section 64(3)(c) of the *Residential Tenancy Act* I amend the Tenant's Application to correctly name the corporate Landlord.

The Tenants' application was set for hearing by telephone conference call at 10:30 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 Respondent Landlord's Property Manager.

Analysis and Conclusion

Rules 7.1 and 7.3 of the *Residential Tenancy Branch Rules of Procedure* provide as follows:

Commencement of Hearing:

The hearing must commence at the scheduled time unless otherwise decided by the arbitrator.

Consequences of not attending the hearing

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 re-apply.

As the Applicant Tenants did not attend the hearing by 10:40 a.m., and the Respondent Landlord's agent appeared and was ready to proceed, I dismiss the Tenants' claim without leave to reapply.

Pursuant to section 55(1) of the *Residential Tenancy Act*, **I grant the Landlord an Order of Possession.** The Landlord must serve the Order on the Tenants and may file and enforce the Order in the B.C. Supreme Court.

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: September 15, 2016

Residential Tenancy Branch