



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, PSF, RR, ERP, FF, LRE

Introduction and Preliminary Matter

This hearing convened as a result of a Tenants' Application for Dispute Resolution filed August 5, 2016 wherein the Tenants sought an Order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities issued on August 3, 2016, a request for an Order that the Landlord make repairs, emergency and otherwise, provide services or facilities required by law, an Order restricting the Landlord's right to enter the rental unit, and to recover the filing fee.

The Tenants' application 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 Respondent Landlord, K.S.

K.S. confirmed the spelling of the Landlords' surname. Pursuant to section 64(3)(c) I amend the Tenant's Application for Dispute Resolution to accurately note the Landlord's name.

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 Tenant did not attend the hearing by 9:10 a.m., and the Respondent Landlord 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 Landlords an Order of Possession.** The Landlords 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 29, 2016

Residential Tenancy Branch

