



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNC, MNDC, MNSD, OLC, RP, LRE, RR, FF

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution filed February 21, 2017 wherein the Tenant sought the following relief:

1. an Order cancelling a 1 Month Notice to End Tenancy for Cause issued on February 17, 2017 (the "Notice");
2. an Order for more time to make an application for dispute resolution;
3. a Monetary Order for:
 - a. money owed or compensation for damage or loss under the *Residential Tenancy Act*, the *Residential Tenancy Regulation*, or the tenancy agreement;
 - b. return of the security deposit paid; and
 - c. recovery of the filing fee;
4. An Order that the Landlord:
 - a. comply the *Residential Tenancy Act*, the *Residential Tenancy Regulation*, or the tenancy agreement;
 - b. make repairs to the rental unit, emergency or otherwise; and
 - c. be restricted from entering the rental unit.

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.

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 Landlords appeared and were ready to proceed, I dismiss the Tenants' claim without leave to reapply.

I also find that the Notice complies with section 52 of the *Act*; therefore, 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 Tenant 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: March 21, 2017

Residential Tenancy Branch