



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR

### Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* ("Act") for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated October 10, 2017 ("10 Day Notice"), pursuant to section 46.

While the respondent landlord attended the hearing by way of conference call, the applicant tenants did not, although I waited until 11:11 a.m. in order to enable the tenants to connect with this teleconference hearing scheduled for 11:00 a.m.

The landlord confirmed receipt of the tenants' application for dispute resolution hearing package. In accordance with sections 89 and 90 of the *Act*, I find that the landlord was duly served with the tenants' application.

Pursuant to section 64(3)(c) of the *Act*, I amend the tenants' application to correct the spelling of the landlord's first name. The landlord consented to this amendment.

Rule 7.3 of the Residential Tenancy Branch *Rules of Procedure* provides as follows:

*7.3 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.*

In the absence of any appearance by the tenants, I order the tenants' entire application dismissed without leave to reapply.

Pursuant to section 55 of the *Act*, if I dismiss the tenants' application to cancel a 10 Day Notice, the landlord is entitled to an order of possession if the notice meets the requirements of section 52 of the *Act*.

Neither party provided a copy of the 10 Day Notice for this hearing so I was unable to determine whether it complied with section 52 of the *Act*.

The landlord testified that he did not require an order of possession against the tenants because the tenants had vacated the rental unit on November 2, 2017 and he had received the keys and taken back possession of the unit.

For the above reasons, I do not issue an order of possession to the landlord.

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: December 27, 2017

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Residential Tenancy Branch