



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, MNDCT

Introduction

On May 4, 2018, the Tenants filed an Application for Dispute Resolution under the *Residential Tenancy Act* ("the *Act*") to cancel a 10-Day Notice to End Tenancy for Unpaid Rent or Utilities and monetary order for losses under the *Act*. The matter was set for a conference call.

The Landlord's Agent (the Agent) attended the conference call hearing; however, the Tenants did not. As the Tenants are the applicants in this hearing, I find that the Tenants had been duly notified of the Notice of Hearing in accordance with the *Act*.

The Agent was affirmed to be truthful in his testimony and was provided with the opportunity to present his evidence orally and in written and documentary form, and to make submissions at the hearing. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Procedural Matters

The Agent stated that the name listed on the hearing documents for the Landlord was incorrect. The Agent provided the correct name for the Landlord and the property manager during the Hearing, this change was noted in the style of cause.

Issues to be Decided

- Should the Landlord's 10-Day Notice to end Tenancy for Unpaid Rent or Utilities be cancelled?
- If not, is the Landlord entitled to an Order of Possession?
- Are the Tenants entitled to a monetary order for losses pursuant to section 67 of the *Act*?

Background and Evidence

The Agent testified that the Tenants moved out of the rental unit on June 2, 2018, and that the Landlord did not need an order of possession.

Analysis

Based on the evidence before me, the testimony of the Agent, and on a balance of probabilities, I find:

This matter was set for hearing by telephone conference call at 9:30 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 Landlord.

Rule 7.1 and 7.3 of the Rules of Procedure provides as follows:

7.1 The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

7.3 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 Tenants did not attend the hearing by 9:40 A.M, I dismiss the Tenants' application without leave to reapply.

I am not issuing the Landlord an order of possession as the Landlord's Agent testified that the Tenants have moved out and an order of possession is not required.

Conclusion

The Tenants' application is dismissed, without leave to reapply.

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: June 8, 2018

Residential Tenancy Branch