



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding DEVON PROPERTIES LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNRL, FFL, MT, CNR

Introduction

This was a cross application hearing that dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- more time to cancel a Notice to End Tenancy, pursuant to section 66; and
- cancellation of the 10 Day Notice to End Tenancy, pursuant to section 46.

This hearing also dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession for unpaid rent, pursuant to sections 46 and 55;
- a Monetary Order for unpaid rent, pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenants, pursuant to section 72.

Preliminary Issue- Tenant's Attendance

The tenants did not attend this hearing, although I left the teleconference hearing connection open until 11:11 a.m. in order to enable the tenants to call into this teleconference hearing scheduled for 11:00 a.m. The landlord attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlord and I were the only ones who had called into this teleconference.

Rule 7 of the Rules of Procedure provides as follows:

7.1 Commencement of the dispute resolution hearing

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. Rule 7.3 states that 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.

Based on the above, **in the absence of any evidence or submissions from the tenants, I order the tenants' application dismissed without liberty to reapply.**

Preliminary Issue- Landlord's Application

During the course of the hearing, the landlord withdrew his application as the tenants vacated the rental unit on September 30, 2018 and he was not sure if the outstanding rent had been paid. As no further action is required with respect to the landlord's application, I dismiss the landlord's application to recover the \$100.00 filing fee without leave to reapply and I dismiss the remainder of the landlord's application with leave to reapply.

I make no findings on the merits of the matter. Liberty to reapply is not an extension of any applicable limitation period.

Conclusion

I dismiss the tenants' application without leave to reapply.

I dismiss the landlord's application to recover the \$100.00 filing fee, without leave to reapply.

I dismiss the remainder of the landlord's application with 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: October 04, 2018

Residential Tenancy Branch