



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SKYLINE LIVING
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET, FFL

Introduction

I was designated to hear this matter pursuant to section 58 of the *Residential Tenancy Act* (the *Act*). The landlord applied for:

- an early end to this tenancy and an Order of Possession pursuant to section 56; and
- authorization to recover the filing fee for this application from the tenants pursuant to section 72.

The Applicant did not attend this hearing, although I left the teleconference hearing connection open until 9:40 a.m. in order to enable them to call into this teleconference hearing scheduled for 9:30 a.m. The tenants/Respondents attended the hearing and were given a full opportunity to be heard, to present sworn 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. During the hearing, I also confirmed from the online teleconference system that the Respondents and I were the only ones who had called into this teleconference.

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 Commencement of the hearing The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

At the hearing, the tenants testified that they vacated the rental unit on November 28, 2018, and have surrendered possession of the rental unit to the landlord.

Accordingly, **in the absence of any appearance at this hearing by the Applicant, I order the application dismissed without liberty to reapply.**

At the hearing, Tenant MS asked if I was able to include a monetary order in my decision in the tenants' favour against the landlord to reimburse them for Tenant KS's lost time from work to attend this hearing. I advised that I was unable to do so as the matter before me was the landlord's application. As no application from the tenants for a monetary award is before me, I am in no position to issue any monetary award in the tenants' favour.

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 06, 2018

Residential Tenancy Branch