



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, MT

### Introduction

This hearing convened as a result of a Tenants' Application for Dispute Resolution wherein the Tenants sought to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities issued on January 4, 2019 (the "Notice") as well as more time to make such an application.

The hearing was scheduled for teleconference 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's representative S.W. 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.

### Preliminary Matter—Naming of the Landlord on the Tenants' Application

The Tenants named S.W., the owner of the company, personally as Landlord on their Application for Dispute Resolution. A review of the tenancy agreement and Notice confirm that the tenancy is between the Tenants and S.W.'s Corporation. Pursuant section 64(3)(c) I amend the Tenants' Application to correctly name the 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 Tenants did not call into the hearing, and the Respondent Landlord appeared and was ready to proceed, I dismiss the Tenants' claim without leave to reapply. This includes dismissing her request that I cancel the Notice. As such, the tenancy shall end in accordance with the Notice.

Section 55 of the *Residential Tenancy Act* provides in part as follows:

**Order of possession for the landlord**

**55** (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant to the landlord an order of possession of the rental unit if

(a) the landlord's notice to end tenancy complies with section 52 [*form and content of notice to end tenancy*], and

(b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

I have reviewed the Notice and confirm it complies with section 52 of the *Act*. Consequently, and as I have dismissed the Tenants' claim, and the Landlord is entitled to an Order of Possession effective two days after service.

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: February 28, 2019

---

Residential Tenancy Branch