



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, LRE, FFT

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenants filed under the *Residential Tenancy Act* (the “Act”), to cancel a 10-Day Notice to End Tenancy for Unpaid Rent or Utilities (the “Notice”), to suspend or set conditions on the Landlord’s right to enter the rental unit, and to recover the filing fee for this application. The matter was set for a conference call.

The Landlord 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 Landlord 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.

### Issues to be Decided

- Should the Notice to End Tenancy be cancelled?
- If not, is the Landlord entitled to an Order of Possession?
- Should the Landlords’ right to enter the rental unit be suspended or have set conditions?
- Are the Tenants entitled to the recovery of the filing fee for their application?

### Background and Evidence

The Landlord testified that there was a previous hearing for this tenancy, on March 1, 2019, and that he had been awarded an order of possession during those proceedings. The file number for the previous proceedings is recorded on the style of cause page for this decision.

The Landlord testified that he does not required an Order of Possession for this Notice, as this tenancy has already ended, and he has possession of the rental unit.

### Analysis

Based on the above, the oral testimony and the documentary evidence, and on a balance of probabilities, I find as follows:

I find that the Tenants received the Notice on January 28, 2019 and did apply to dispute the Notice. 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 was the Landlord.

Rules 7.1 and 7.3 of the Rules of Procedure provide 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.

Therefore, as the Tenants did not attend the hearing by 9:41 a.m. I dismiss the tenants' application without leave to reapply.

I accept the testimony of the Landlord and find that this tenancy has already ended by order of this office, therefore there is no requirement for an order of possession for these proceedings.

### 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: March 12, 2019

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Residential Tenancy Branch