



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding MAINSTREET EQUITY CORP. and  
[tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNR, MT

### Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Tenants on March 05, 2019 (the “Application”). The Tenants applied to dispute a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated February 06, 2019 (the “Notice”). The Tenants also sought more time to file the dispute.

The Tenants did not appear at the hearing. The Resident Manager did appear for the Landlord. The Resident Manager confirmed the Tenants are still living at the rental unit. The Resident Manager sought an Order of Possession for the rental unit and a Monetary Order for unpaid rent.

I waited 10 minutes, until 11:10 a.m., to allow the Tenants to participate in this hearing scheduled for 11:00 a.m. The Tenants did not call into the hearing. I proceeded with the hearing in the absence of the Tenants.

Rule 7.3 of the Rules of Procedure states that an arbitrator can dismiss an application for dispute resolution without leave to re-apply if a party fails to attend the hearing.

Here, the Tenants failed to attend the hearing and provide evidence regarding the Application and their dispute of the Notice. In the absence of evidence from the Tenants regarding the basis for the Application and their dispute of the Notice, the Application is dismissed without leave to re-apply.

Section 55 of the *Residential Tenancy Act* (the “Act”) requires an arbitrator to issue an Order of Possession if a tenant applies to dispute a notice to end tenancy, the application is dismissed and the notice complies with section 52 of the *Act*.

The Landlord had submitted a decision and orders in relation to File Number 1 as noted on the front page of this decision. The decision and orders were issued March 11, 2019 through the direct request process. The decision related to the Notice. The Adjudicator issued an Order of Possession for the rental unit. RTB records show that the Tenants did not seek a review of the decision or orders.

As explained to the Resident Manager, there is no need to issue a second Order of Possession for the rental unit in this matter. The Order of Possession issued on File Number 1 is valid, was never suspended and is enforceable. The Landlord can serve the Order of Possession issued on File Number 1 on the Tenants and enforce it in Supreme Court if the Tenants do not comply with it.

I also advised the Resident Manager that the Landlord must file their own application seeking to recover unpaid rent if the Landlord believes they are entitled to this. I cannot issue the Landlord a Monetary Order for unpaid rent on this application which is the Tenants' application to dispute the Notice and seek more time to file the dispute.

### Conclusion

The Application is dismissed without leave to re-apply.

I decline to issue the Landlord a second Order of Possession as one has already been issued on File Number 1 and there is no need for a second one to be issued.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: April 25, 2019

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Residential Tenancy Branch