



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction and Analysis

This hearing dealt with an Application for Dispute Resolution (“application”) by the tenants seeking remedy under the *Residential Tenancy Act* (“Act”). The tenants have applied to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated February 21, 2019 (“10 Day Notice”).

The tenants were provided with a copy of the Notice of a Dispute Resolution Hearing dated March 4, 2019. The tenants; however, did not attend the teleconference hearing set for this date, Monday, April 15, 2019 at 9:30 a.m. Pacific Time. The phone line remained open for 13 minutes and was monitored throughout this time. The only person to call into the hearing was the landlord who indicated that they were ready to proceed. I have confirmed that file records support that the tenants did not make any attempt to cancel the hearing in advance.

Following the ten minute waiting period, the application of the tenants was **dismissed without leave to reapply** as the tenants failed to attend the hearing to present the merits of their application or at the very least cancel their scheduled hearing in advance of the hearing. The landlord did attend the hearing and was ready to proceed.

I accept the undisputed evidence from the landlord that the tenants vacated the rental unit on April 1, 2019. The landlord confirmed that they do not require an order of possession as they have already been granted an order of possession in November 2018. That previous decision file number is included on the cover page of this decision for ease of reference.

Conclusion

The tenants' application is dismissed without leave to reapply.

This decision does not extend any applicable time limits under the *Act*.

The landlord has confirmed that an order of possession is not required as an order of possession was granted in a previous decision in November 2018 and the tenants have finally vacated the rental unit as of April 1, 2019.

This decision will be emailed to both parties at the email address for the landlord provided during the hearing, and to the email address for the tenants provided in the application.

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: April 15, 2019

Residential Tenancy Branch