



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, MNDC, FFT

Introduction

On April 8, 2019, the Tenants made an Application for Dispute Resolution under the *Residential Tenancy Act* ("the Act") to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities; and for money owed or compensation for damage or loss.

This matter was set for hearing by telephone conference call at 11:00 AM on this date. The Landlord attended the teleconference hearing; however, the Tenants did not.

The line remained open while the phone system was monitored for ten minutes and the applicants did not call into the hearing during this time. Therefore, as the Applicants did not attend the hearing by 11:10 AM, I dismiss the Tenants application without leave to reapply.

The Landlord testified that he already obtained an order of possession for the rental unit by way of an ex parte Direct Request Proceeding, pursuant to section 55(4) of the Act. The ex-parte review was completed and a Decision issued on April 15, 2019.

The Landlord testified that the Tenants were removed from the rental unit in early May 2019.

Under section 55 of the Act, when a Tenants application to cancel a Notice to end tenancy is dismissed and I am satisfied that the Notice to end tenancy complies with the requirements under section 52 regarding form and content, I must grant the Landlord an order of possession.

Since the tenancy has already ended and the Landlord is in possession of the rental unit; there is no need to provide the Landlord with an order of possession. An Order of Possession will not be granted.

Conclusion

The Tenants failed to attend the hearing and their application is dismissed in its entirety without leave to reapply.

The Tenants have already vacated the rental unit in early May 2019; therefore, the Landlord is not granted an order of possession.

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: May 24, 2019

Residential Tenancy Branch