



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OLC, FFT

Introduction

This hearing dealt with an Application for Dispute Resolution (“Application”) by the Tenant seeking remedy under the *Residential Tenancy Act* (“Act”) to cancel a 10 Day Month Notice to End Tenancy for Unpaid Rent (“10 Day Notice”), for an order directing the landlord to comply with the Act, regulation or tenancy agreement, and for recovery of the cost of the Application filing fee.

The Tenants were provided with a copy of the Notice of a Dispute Resolution Hearing dated April 10, 2019; however, the Tenants did not attend the teleconference hearing set for Friday, May 24, 2019, at 9:30 a.m. Pacific Time. The phone line remained open for 10 minutes and was monitored throughout this time. The Landlords, L.A. and J.A., attended and indicated that they were ready to proceed.

The Landlords said the Tenants moved out and signed a promissory note to pay the outstanding rent owed to the Landlords. As such, the Landlords said they cancelled their cross application and anticipated that the Tenants would cancel their Application; however, the Landlords said they attended to cover their bases in this regard. I advised the Landlords that a tenant cannot cancel such an application without the landlords’ permission, because the Tenant’s Application could end in an order of possession for the Landlords. In the case before me, the Landlords said that they do not need an order of possession, because the Tenants have moved out.

I have confirmed that file records support that the Tenants did not make any attempt to cancel the hearing prior to the hearing. I also confirmed that the teleconference codes provided to the Parties were correct and that the only people on the call, besides me, were the Landlords.

Following the ten minute waiting period, the Tenants’ Application 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 with the Landlords' permission. The Landlords did attend the hearing and were ready to proceed.

Conclusion

As the Tenants did not attend the teleconference hearing, their Application is dismissed without leave to reapply.

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

This decision will be emailed to both Parties at the email address provided by the Tenants in the Application and to the email address provided by the Landlords in the hearing.

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: May 27, 2019

Residential Tenancy Branch