



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, ERP

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution, made on March 29, 2019 (the "Application"). The Tenants applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- to cancel a 10 Day Notice for Unpaid Rent or Utilities (the "10 Day Notice") dated March 24, 2019; and
- an order for emergency repairs.

I note that section 55 of the *Act* requires that when a tenant submits an Application seeking to cancel a notice to end tenancy issued by a landlord, I must consider if the landlord is entitled to an order of possession if the Application is dismissed and the landlord has issued a notice to end tenancy that is compliant with section 52 of the *Act*.

The hearing was scheduled for 11:00 A.M. on May 14, 2019 as a teleconference hearing. The Landlords appeared and provided affirmed testimony. No one appeared for the Tenants. The conference call line remained open and was monitored for 10 minutes before the call ended. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the Landlords and I were the only persons who had called into this teleconference.

I have reviewed all evidence and testimony before me that was accepted for consideration in this matter in accordance with the Residential Tenancy Branch Rules of Procedure (the "Rules of Procedure"); however, I refer only to the relevant facts and issues in this decision.

Rule 7.1 of the Rules of Procedure states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. As the Landlords and I attended the hearing on time and ready to proceed and there was no evidence before me that the parties had agreed to reschedule or adjourn the matter, I commenced the hearing as scheduled at 11:00 A.M. on May 14, 2019.

Rule 7.3 of the Rules of Procedure states that if a party 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 reapply. As neither of the Tenants nor anrepresentative acting on their behalf attended the hearing to present any evidence or testimony for my consideration regarding the Tenants' Application, I therefore dismiss the Tenant's Application in its entirety without leave to reapply.

Having made the above finding, I will now turn my mind to whether the Landlords are entitled to an Order of Possession pursuant to section 55 of the *Act*.

During the hearing, the Landlords testified that the Tenants have vacated the rental unit and therefore are not seeking an order of possession in relation to the 10 Day Notice dated March 24, 2019. In light of the above, I find that granting an order of possession to the Landlord is not required.

Conclusion

The Tenants' did not appear at the time of the hearing; therefore, their Application seeking the cancellation of the 10 Day Notice as well as for emergency repairs 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: May 14, 2019

Residential Tenancy Branch