



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, MT, DRI, LRE, FFT

Introduction

On May 10, 2019, the Tenants applied for a Dispute Resolution proceeding seeking to cancel a 10 Day Notice for Unpaid Rent (the “Notice”) pursuant to Section 46 of the *Residential Tenancy Act* (the “Act”), seeking more time to make this Application pursuant to Section 66 of the *Act*, seeking to dispute a rent increase pursuant to Section 41 of the *Act*, seeking to suspend the Landlord’s right to enter the rental unit pursuant to Section 70 of the *Act*, and seeking to recover the filing fee pursuant to Section 72 of the *Act*.

The Landlord attended the hearing; however, the Tenants did not appear during the 11-minute hearing.

Background and Evidence

This hearing was scheduled to commence via teleconference at 9:30 AM on June 24, 2019.

Rule 7.1 of the Rules of Procedure stipulates that the hearing must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

I dialed into the teleconference at 9:30 AM and monitored the teleconference until 9:41 AM. Only the Respondent dialed into the teleconference during this time. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I confirmed during the hearing that the Applicant did not dial in and I also confirmed from the teleconference system that the only party who had called into this teleconference was the Landlord.

The Landlord advised that it was her belief that the Residential Tenancy Branch had no jurisdiction on this matter as the rental unit was on First Nations lands. As well, she stated that she did not ever serve the Tenants with the Notice.

Analysis

As the Applicant did not attend the hearing by 9:41 AM, I find that the Application for Dispute Resolution has been abandoned.

I note that Section 55 of the *Act* requires that when a Tenant submits an Application for Dispute Resolution 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 that complies with the *Act*.

As the Landlord has not served a Notice, as the Tenants have not attended the hearing, and as there may not be jurisdiction on this matter, I am not satisfied that this Application has any merit.

Conclusion

I dismiss the Tenants' Application for Dispute Resolution 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: June 24, 2019

Residential Tenancy Branch