



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FFT

Introduction

This teleconference hearing was scheduled in response to an application by the Tenants under the *Residential Tenancy Act* (the “Act”) to cancel a 10 Day Notice to End Tenancy for Unpaid Rent (the “10 Day Notice”), and for the recovery of the filing fee paid for the Application for Dispute Resolution.

The Landlord was present for the teleconference hearing while no one attended for the Tenants. The Landlord was affirmed to be truthful in her testimony and confirmed receipt of the Notice of Dispute Resolution Proceeding package and a copy of the Tenants’ evidence.

Issues to be Decided

Should the 10 Day Notice to End Tenancy for Unpaid Rent be cancelled?

If the 10 Day Notice to End Tenancy for Unpaid Rent is upheld, is the Landlord entitled to an Order of Possession?

Should the Tenants be awarded the recovery of the filing fee paid for the Application for Dispute Resolution?

Background and Evidence

The Landlord testified that the Tenants moved out of the rental unit on June 2, 2019. She stated that she is satisfied that she has possession of the rental unit back and is not seeking an Order of Possession.

Analysis

As stated by rule 7.3 of the *Residential Tenancy Branch Rules of Procedure*, if a party fails to attend the hearing, the hearing may continue, or the application may be dismissed. As the Tenants did not attend the hearing based on their own application, I dismiss the Application for Dispute Resolution in its entirety, without leave to reapply.

As stated in Section 55(1) of the *Act*, if a tenant's application to dispute a notice to end tenancy is dismissed, the Landlord must be granted an Order of Possession. However, I accept the affirmed testimony of the Landlord that the Tenants have moved out and that she is not seeking an Order of Possession. Therefore, as the tenancy has ended, I do not find it necessary to grant an Order of Possession in this matter.

Conclusion

This tenancy has ended. The Tenants' Application for Dispute Resolution 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: June 21, 2019

Residential Tenancy Branch