



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNRL, FFL; CNR

Introduction

This hearing dealt with the landlords' application pursuant to the *Residential Tenancy Act* ("Act") for:

- an Order of Possession for unpaid rent, pursuant to section 55;
- a monetary order for unpaid rent, pursuant to section 67; and
- authorization to recover the filing fee for their application, pursuant to section 72.

This hearing also dealt with the tenants' application pursuant to the *Act* for:

- cancellation of the landlords' 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated June 12, 2019 ("10 Day Notice"), pursuant to section 46.

The two tenants and the male landlord did not attend this hearing, which lasted approximately 10 minutes. The female landlord ("landlord") attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The landlord confirmed that she had permission to speak on behalf of the male landlord at this hearing.

The landlord testified that the tenants were served with the landlords' application for dispute resolution hearing package on June 26, 2019, by way of registered mail. The landlords were unable to provide any Canada Post receipts or tracking numbers with their application or at this hearing. I notified the landlord that she was unable to provide evidence of service of the landlords' application as per section 89 of the *Act* or Residential Tenancy Policy Guideline 12. The tenants did not attend this hearing to confirm service. I informed the landlord that the landlords' application was dismissed with leave to reapply, except for the order of possession and the \$100.00 filing fee.

The landlord confirmed that she did not receive the tenants' application for dispute resolution hearing package.

Preliminary Issue – Dismissal of Tenants' Application

Rule 7.3 of the Residential Tenancy Branch *Rules of Procedure* provides as follows:

7.3 Consequences of not attending the hearing: If a party or their agent 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 re-apply.

In the absence of any appearance by the tenants, I order the tenants' entire application dismissed without leave to reapply.

Pursuant to section 55 of the *Act*, if I dismiss the tenants' application to cancel a 10 Day Notice, the landlords are entitled to an order of possession, provided that the notice meets the requirements of section 52 of the *Act*.

During the hearing, the landlord confirmed that the tenants had vacated the rental unit on July 24, 2019 and the landlords did not require an order of possession, as they already obtained one before. Therefore, this portion of the landlords' application is dismissed without leave to reapply.

Conclusion

The landlords' application for an order of possession and the \$100.00 filing fee is dismissed without leave to reapply. The landlords' application for a monetary order for unpaid rent is dismissed with leave to reapply.

The tenants' entire application 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: August 15, 2019

Residential Tenancy Branch