



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 1081822 B.C. LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNR, OLC

### Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution ("Application") under the *Residential Tenancy Act* ("Act"). The Tenants applied to cancel a 10 Day Notice to End Tenancy for Unpaid Rent dated July 15, 2019, and for an order directing the Landlord to comply with the Act, regulation or tenancy agreement.

Counsel and an agent for the Landlord ("Counsel") appeared at the teleconference hearing, but no one attended on behalf of the Tenants. The Tenants were provided with a copy of the Notice of a Dispute Resolution Hearing on July 17, 2019; however, the Tenants did not attend the teleconference hearing scheduled for September 13, 2019 at 11:00 a.m. (Pacific Time). The phone line remained open for ten minutes and was monitored throughout this time. The only persons to call into the hearing were the Respondent's Counsel and agent, who indicated that they were ready to proceed.

Rule 7.1 of the Residential Tenancy Branch Rules of Procedure ("Rules") states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. The Respondent Landlord's representatives and I attended the hearing on time and were ready to proceed, and there was no evidence before me that the Parties had agreed to reschedule or adjourn the matter; accordingly, I commenced the hearing at 11:00 a.m. on September 13, 2019, as scheduled.

Rule 7.3 states that 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 reapply. The teleconference line remained open for over ten minutes; however, neither the Applicants nor an agent acting on their behalf attended to provide any evidence or testimony for my consideration.

The Counsel said that the Tenants had moved out of the rental unit on July 31, 2019 or August 1, 2019, so he did not anticipate that they would attend the hearing.

As a result, and pursuant to Rule 7.3, I **dismiss the Tenants' Application without leave to reapply.**

#### Conclusion

The Tenants' Application is dismissed without leave to reapply, as neither the Tenants nor an agent on their behalf attended the hearing to present the merits of the Application. The Respondent Landlord's Counsel did attend the hearing.

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

This decision will be emailed to the address provided by the Counsel during the hearing and to the email address provided by the Tenants in the Application.

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: September 13, 2019

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Residential Tenancy Branch