



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding REALSTAR APARTMENT PARTNERSHIP and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR

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

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46.

This matter was set for a conference call hearing at 9:30 a.m. on this date. The tenant did not attend. The landlord's agent (the landlord) attended the hearing via conference call and provided undisputed testimony. The landlord confirmed receipt of the tenants' notice of hearing package and that no documentary evidence was received. The landlord stated that the tenants still reside in the rental premises and that they seek an end to the tenancy. I accept the undisputed evidence of the landlord and find that the tenants have properly served the landlord with the notice of hearing package. I find that the landlords have been sufficiently served as per section 90 of the Act.

I waited until 16 minutes past the start of the scheduled hearing time in order to enable both parties to connect with this teleconference hearing.

Rule 7 of the Rules of Procedure provides that:

7.1 Commencement of the dispute resolution hearing

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

7.2 Delay in the start of a hearing

In the event of a delay of a start of a conference call hearing, each party must stay available on the line to commence the hearing for 30 minutes after the time scheduled for the start of the hearing.

In the event of a delay of a face-to-face hearing, unless otherwise advised, the parties must remain available to commence the hearing at the hearing location for 30 minutes after the time scheduled for the start of the hearing.

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.

7.4 Evidence must be presented

Evidence must be presented by the party who submitted it, or by the party's agent. If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

Accordingly, in the absence of any evidence or submissions from the tenants and in the absence of the tenants participation in this hearing, I order the application dismissed without leave to reapply. The landlord seeks an end to the tenancy and has requested an order of possession.

The landlord provided undisputed testimony that the tenants were served with the 10 Day Notice dated August 6, 2019 by posting it to the rental unit door. The 10 Day Notice states that the tenants failed to pay rent of \$1,3945.00 that was due on August 1, 2019 and provides for an effective end of tenancy date of August 19, 2019. The landlord stated that no rent has been paid since this notice was served and the tenants still occupy the rental unit.

Pursuant to section 55 (1) of the Act the landlords are granted an order of possession.

The order of possession must be served upon the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

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: October 11, 2019

Residential Tenancy Branch