



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR, OLC, LRE, AS, RR, FFT

### Introduction

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

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated August 6, 2019 ("10 Day Notice"), pursuant to section 46;
- an order requiring the landlord to comply with the *Act*, *Residential Tenancy Regulation* or tenancy agreement, pursuant to section 62;
- an order restricting the landlord's right to enter the rental unit, pursuant to section 70;
- an order to allow the tenants to assign or sublet the rental unit, pursuant to section 65;
- an order to allow the tenants to reduce rent by \$3,000.00 for services or facilities agreed upon but not provided, pursuant to section 65; and
- authorization to recover the filing fee for this application, pursuant to section 72.

While the landlord attended the hearing by way of conference call, the applicant tenants did not, although I waited until 11:11 a.m. in order to enable the tenants to connect with this teleconference hearing scheduled for 11:00 a.m.

The landlord confirmed receipt of the tenants' application for dispute resolution hearing package. In accordance with sections 89 and 90 of the *Act*, I find that the landlord was duly served with the 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.

During the hearing, I informed the landlord that pursuant to section 55 of the *Act*, if I dismissed the tenants' application to cancel a 10 Day Notice, the landlord was entitled to an order of possession if the notice met the requirements of section 52 of the *Act*.

The landlord stated that an order of possession was not required because the tenants vacated the rental unit on August 29, 2019 and the landlord took back possession and changed the locks. For the above reason, I do not issue an order of possession to the landlord. I informed the landlord of this during the hearing and she agreed to same.

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 03, 2019

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Residential Tenancy Branch