



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 1192921 BC LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, LRE, OLC, FFT

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution ("Application") under the *Residential Tenancy Act* ("Act"):

- to cancel a One Month Notice to End Tenancy for Cause dated December 30, 2019 ("One Month Notice"),
- to suspend or restrict the Landlord's right to enter,
- for an order directing the landlord to comply with the Act, regulation or tenancy agreement, and
- to recover the cost of their filing fee.

The Tenants were provided with a copy of the Notice of a Dispute Resolution Hearing on January 14, 2020; however, the Tenants did not attend the teleconference hearing scheduled for March 12, 2020, at 11:00 a.m. (Pacific Time). The phone line remained open for 28 minutes and was monitored throughout this time. The only person to call into the hearing was the respondent Landlord, ("S.M."), who indicated that she was ready to proceed.

At the outset of the hearing, S.M. advised me that she is also an owner of the residential property, which I find is also evident from the documentary evidence submitted in this matter. This ownership was not indicated on the Application. Accordingly, I have amended the Respondent's name in the Application, pursuant to section 64(3)(c) of the Act and Residential Tenancy Branch ("RTB") Rule of Procedure ("Rules") 4.2.

Rule 7.1 states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the Arbitrator. The Respondent Landlord 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 March 12, 2020, as scheduled.

Rule 7.3 states that if a party or their agent fails to attend the hearing, the Arbitrator may conduct the hearing in the absence of that party or dismiss the application, with or without leave to reapply. The teleconference line remained open for 28 minutes, however, neither the Applicants nor their agent attended to provide any evidence or testimony for my consideration. As a result, and pursuant to Rule 7.3, I **dismiss the Tenants' Application wholly without leave to reapply.**

I also find that the One Month Notice issued by the Landlord complies with section 52 of the Act. Given the above, and pursuant to section 55 of the Act, I find that the Landlord is entitled to an Order of Possession. I, therefore, award the Landlord with an Order of Possession.

Conclusion

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

Pursuant to section 55, I grant an Order of Possession to the Landlords effective **two days after service of this Order** on the Tenants. The Landlords are provided with this Order in the above terms and the Tenants must be served with **this Order**. Should the Tenants fail to comply with this Order, this Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

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: March 12, 2020

Residential Tenancy Branch