



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding 0877911 BC LTD  
CENTURY 21 SEASIDE REALTY LTD  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNR, OLC, RP, PSF, FFT

### Introduction

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

- cancellation of the landlords' 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated February 3, 2020 ("10 Day Notice"), pursuant to section 46;
- an order requiring the landlords to comply with the *Act*, *Residential Tenancy Regulation* or tenancy agreement, pursuant to section 62;
- an order requiring the landlords to complete repairs to the rental unit, pursuant to section 33;
- an order requiring the landlords to provide services or facilities required by law, pursuant to section 65; and
- authorization to recover the filing fee for this application, pursuant to section 72.

While the landlords' agent ("landlord") attended the hearing by way of conference call, the applicant tenants did not, although I waited until 9:40 a.m. in order to enable the tenants to connect with this teleconference hearing scheduled for 9:30 a.m.

I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlord and I were the only people who called into this teleconference.

The landlord confirmed that he is the property manager for the landlord realty company named in this application and that he had permission to speak on its behalf. He said that the numbered company named in this application was the owner of the rental unit and that he had permission to speak on its behalf as well.

The landlord stated that the landlords did not receive the tenants' application for dispute resolution hearing package. He said that he found out about the hearing from the Residential Tenancy Branch ("RTB").

Rule 7.3 of the RTB *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 landlords were 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. For the above reason, I do not issue an order of possession to the landlords. I informed the landlord of this during the hearing and he 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: April 17, 2020

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Residential Tenancy Branch