



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MATHERS GREEN DEVELOPMENT COMPANY
LTD. and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR-MT, RP, OLC, FFT

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Tenants on March 25, 2020 (the "Application"). The Tenants applied as follows:

- To dispute a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated February 25, 2020 (the "Notice");
- For more time to dispute the Notice;
- For repairs;
- For an order that the Landlord comply with the Act, regulation and/or the tenancy agreement; and
- For reimbursement for the filing fee.

The Agents for the Landlord appeared at the hearing. The Tenants did not appear. I waited 10 minutes to allow the Tenants to call into the hearing; however, the Tenants did not do so.

The Agents advised that the Tenants vacated the rental unit at the beginning of May. The Landlord had submitted a decision and review consideration decision on File Number 1. The Landlord had been issued an Order of Possession for the rental unit on File Number 1. The Order of Possession was confirmed in the review decision.

Rule 7.3 and 7.4 of the Rules of Procedure state:

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.

Here, the Tenants failed to attend the hearing and provide a basis for, or evidence regarding, the Application. I decline to consider the Tenants' documentary evidence given the Tenants did not appear to present or explain it. In the absence of evidence from the Tenants, the Application is dismissed without leave to re-apply.

Section 55(1) of the *Residential Tenancy Act* (the "*Act*") requires an arbitrator to issue an Order of Possession when a tenant applies to dispute a notice to end tenancy, the application is dismissed and the notice complies with section 52 of the *Act*.

I have not considered whether the Landlord is entitled to an Order of Possession here because the Landlord has already been issued an Order of Possession on File Number 1 and the Tenants have vacated the rental unit. In these circumstances, a further Order of Possession is not necessary.

Conclusion

The Application is dismissed without leave to re-apply.

I have not considered whether the Landlord should be issued an Order of Possession under section 55(1) of the *Act* as the Landlord has already been issued an Order of Possession for the rental unit and the Tenants have vacated the rental unit.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: May 21, 2020