



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, CNC, CNL, OLC, MNDCT, LRE, DRI

Introduction

This hearing dealt with an Application for Dispute Resolution (the “Application”) that was filed by the Tenant under the *Residential Tenancy Act* (the “Act”), seeking:

- Cancellation of two 10 Day Notice’s to End Tenancy for Unpaid Rent or Utilities (the “10 Day Notice’s”);
- Cancellation of two One Month Notice’s to End Tenancy for Cause (the “One Month Notice’s”);
- Cancellation of a Two Month Notice to End Tenancy for Landlord’s Use of Property (the “Two Month Notice”);
- An order for the Landlord to comply with the *Act*, regulation, or tenancy agreement;
- Compensation for monetary loss or other money owed;
- An order suspending or setting conditions on the Landlord’s right to enter the rental unit; and
- To dispute a rent increase.

I note that section 55 of the *Act* requires that when a tenant submits an Application seeking to cancel a notice to end tenancy issued by a landlord, I must consider if the landlord is entitled to an order of possession if the Application is dismissed and the landlord has issued a notice to end tenancy that is compliant with section 52 of the *Act*.

The hearing was convened by telephone conference call and was attended by the Landlords, both of whom provided affirmed testimony. The Tenant did not attend. The Notice of Dispute Resolution Proceeding Package states the date and time of the hearing, that the hearing will be conducted by telephone conference call, and provides the phone number and access code for the hearing. It also instructs participants that they are to call into the hearing themselves no more than five minutes before the start of the hearing. I confirmed that the details shown in the Notice of Dispute Resolution Proceeding were correct and I note that the Landlords were able to attend the hearing

promptly using the information contained in the Notice of Dispute Resolution Proceeding Package served on them by the Tenant.

Rule 7.1 of the Rules of Procedure states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. As the Landlords and I attended the hearing on time and ready to proceed and there was no evidence before me that the parties had agreed to reschedule or adjourn the matter, I commenced the hearing as scheduled at 9:30 A.M. on May 11, 2020. Rule 7.3 of the Rules of Procedure states that 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 reapply. Although the line remained open for 15 minutes, neither the Tenant nor an agent acting on their behalf attended the hearing to present any evidence or testimony for my consideration regarding the Tenant's Application. As a result, I dismiss the Tenant's Application without leave to reapply.

The Landlords testified that they already have possession of the rental unit as the Tenant moved out at the end of March 2020, and therefore do not need an Order of Possession. As a result, I did not consider whether the Landlord's were entitled to an Order of Possession pursuant to section 55 of the *Act*.

Conclusion

The Tenants' Application is dismissed, in its entirety, without leave to reapply.

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: May 11, 2020

Residential Tenancy Branch