



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Welbec Properties Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR

Introduction, Preliminary and Procedural Matters-

This telephone conference call hearing was convened as the result of the tenants' application for dispute resolution under the Residential Tenancy Act (Act) for:

- an order cancelling the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (Notice).

The hearing began at 9:30 a.m. Pacific Time on Friday, August 14, 2020, as scheduled and the telephone system remained open and was monitored for 11 minutes. During this time, the tenants did not call into the hearing; however, the landlord's agent was present and ready to proceed with the hearing.

I continued the hearing for 11 minutes, in order to allow the tenants to call into the hearing.

While waiting for the tenants to appear, the landlord's agent was affirmed and I questioned her about the Notice. The copy of the Notice supplied by the tenants was the first page only. The landlord's agent did not have a copy of the Notice and was not able to locate a copy.

The landlord's agent said she understood the tenants were vacating the rental unit the day following the hearing.

Rules 7.3 and 7.4 of the 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.

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.

Accordingly, **in the absence of any evidence or submissions, I order the application dismissed.**

As the respondent/landlord attended and was ready to proceed, I dismiss the tenants' application, without leave to reapply.

As neither party was submitted a full copy of the Notice, I was unable to determine whether the Notice was in the proper form with content meeting the statutory requirements under section 52 the Act.

I therefore did not grant the landlord an order of possession of the rental unit under section 55(1) of the Act.

The landlord is at liberty to apply for dispute resolution for an order of possession of 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 *Residential Tenancy Act*.

Dated: August 14, 2020

Residential Tenancy Branch