



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

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 One Month Notice to End Tenancy for Cause (Notice) issued by the landlord property.

The hearing began at 9:30 a.m. Pacific Time on Tuesday, October 13, 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 was present and ready to proceed with the hearing.

The landlord said that the tenants have already vacated the rental unit, on October 2 or 3, 2020, and, as a result, that it was not necessary to provide him with an order of possession of the rental unit.

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 from the tenants, I order the application dismissed.**

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

I have not granted the landlord an order of possession of the rental unit, as the tenants have fully vacated.

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: October 13, 2020

Residential Tenancy Branch