



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, LRE, O

Introduction

I was designated to hear this matter pursuant to section 58 of the *Residential Tenancy Act* (the *Act*). The tenants applied for:

- cancellation of the landlords' 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70; and
- other unspecified remedies.

One of the Respondents (the Respondent) called into this teleconference hearing at the date and time set for the hearing of this matter. The Applicants did not, although I waited until 11:10 a.m. to enable them to connect with this teleconference hearing scheduled for 11:00 a.m. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the teleconference system that the Respondent and I were the only persons who had called into this teleconference.

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 Commencement of the hearing The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

Accordingly, in the absence of any attendance at this hearing by the Applicants I order the application dismissed without liberty to reapply.

The Respondent provided written evidence supported by undisputed sworn testimony that they handed the tenants 10 Day Notices on September 2 and 16, 2020. They said that they were in the process of selling the rental property at that time, and transferred over ownership of the property to the purchasers, the current landlords, on September 30, 2020. They testified that the tenants vacated the rental unit without paying anything towards the September rent for this rental unit on September 30, 2020.

As the Respondent testified that the new owners have possession of the rental unit, the Respondent did not need an Order of Possession for the rental unit. For this reason, I issue no Order of Possession regarding this tenancy.

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 29, 2020

Residential Tenancy Branch