



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC CNR

Introduction

Pursuant to section 58 of the Residential Tenancy Act (the “Act”), I was designated to hear two applications regarding the above-noted tenancy. The tenants filed two separate applications seeking :

- Cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent pursuant to section 46; and
- Cancellation of a 1 Month Notice to End Tenancy for Cause.

This matter was set for hearing by telephone conference call at 9:30 am on December 14, 2020. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the respondent. The phone lines were confirmed to be functioning normally.

Rule 7.3 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 reapply.

I find that filing an application and failing to pursue it diligently by attending the scheduled hearing time is a poor use of the limited resources of the Branch, inconveniencing the respondent and occupying a hearing slot which could be better used for meritorious claims.

Therefore, as the applicants did not attend the hearing by 9:40 am, and the respondent appeared and was ready to proceed, I dismiss the claim in its entirety without leave to reapply.

While I have dismissed the tenants' application, the landlord said that the tenancy has ended and an Order of Possession is not longer necessary. Therefore, while I dismiss the tenant's application, I decline to issue an Order of Possession.

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: December 13, 2020

Residential Tenancy Branch