



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR-DR, OPRM-DR; CNR-MT, PSF

### Introduction

This hearing dealt with the landlords' application pursuant to the *Residential Tenancy Act* ("Act") for:

- an Order of Possession for unpaid rent, pursuant to section 55; and
- a monetary order for unpaid rent, pursuant to section 67.

This hearing also dealt with the tenants' application pursuant to the *Act* for:

- more time to make an application to cancel the landlords' 10 Day Notice to End Tenancy for Unpaid Rent or Utilities ("10 Day Notice"), pursuant to section 66;
- cancellation of the landlords' 10 Day Notice, pursuant to section 46; and
- an order requiring the landlords to provide services or facilities required by law, pursuant to section 65.

The two landlords and the male tenant did not attend this hearing, which lasted approximately 11 minutes. The female tenant ("tenant") attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The tenant confirmed that she had permission to represent the male tenant, who is her husband, at this hearing (collectively "tenants").

The landlords did not attend at the appointed time set for the hearing, although I waited until 11:11 a.m. to enable them to participate in this hearing scheduled for 11:00 a.m. I confirmed that the correct call-in numbers and participant codes had been provided in both Notices of Hearing. I also confirmed from the teleconference system that the tenant and I were the only people who called into this teleconference.

At the outset of the hearing, the tenant confirmed that both tenants vacated the rental unit on December 31, 2020, and they did not require any of the relief in their application. I notified the tenant that the tenants' entire application was dismissed without leave to reapply. The tenant confirmed her understanding of same.

The tenant confirmed receipt of the landlords' application for dispute resolution hearing package. In accordance with sections 89 and 90 of the *Act*, I find that both tenants were duly served with the landlords' application.

#### Dismissal of Landlords' Application

Rule 7.3 of the Residential Tenancy Branch *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.*

In the absence of any appearance by the landlords, I order the landlords' entire application dismissed without leave to reapply.

#### Conclusion

The tenants' entire application is dismissed without leave to reapply.

The landlords' entire application is dismissed 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: February 19, 2021

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Residential Tenancy Branch