



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BROADSTREET PROPERTIES
LTD. and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes LRE, CNR

Introduction

This hearing convened as a result of a Tenants' Application for Dispute Resolution, filed on January 19, 2021, wherein the Tenants sought an Order restricting the Landlord's right to enter the rental unit, as well as an Order canceling a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated January 20, 2021.

The hearing of the Tenants' Application was scheduled for teleconference at 11:00 a.m. on April 16, 2021. The line remained open until 11:10 a.m. and the only participant who called into the hearing during this time was the Landlord's Site Manager, K.W. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the K.W. and I were the only ones who had called into this teleconference.

Analysis and Conclusion

Hearings before the Residential Tenancy Branch are conducted in accordance with the *Residential Tenancy Branch Rules of Procedure*. Rules 7.1, 7.3 and 7.4 address the requirement of a party to call into the teleconference hearing and read as follows:

7.1 Commencement of Hearing

The hearing must commence at the scheduled time unless otherwise decided by the arbitrator.

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.

As the Applicants, the Tenants bear the burden of proving their claim on a balance of probabilities. In the absence of any evidence or submissions from the Tenants and in the absence of the Tenants' participation in this hearing, I dismiss the Tenants' claim without leave to reapply. I make no findings on the merits of this matter.

In the normal course, and pursuant to section 55 of the *Residential Tenancy Act*, a landlord would be granted an Order of Possession when a tenant's application to cancel a notice is dismissed; in this case K.W. advised the Tenants had vacated the rental unit in January of 2021 such that an Order of Possession was no longer required.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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: April 16, 2021

Residential Tenancy Branch