



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 2128 INVESTMENT LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, LAT, OLC

Introduction

This hearing convened as a result of a Tenants' Application for Dispute Resolution, filed February 5, 2021, wherein the Tenants sought the following relief:

- an Order canceling a 1 Month Notice to End Tenancy for Cause issued on January 29, 2021 (the "Notice");
- an Order that the Landlord comply with the *Residential Tenancy Act*, the *Residential Tenancy Regulation*; and,
- an Order permitting the Tenants to change the locks on the rental unit.

The matter was set for hearing by telephone conference call at 11:00 a.m. on this date. The line remained open while the phone system was monitored for fourteen minutes and the only participants who called into the hearing during this time were the Landlord's representatives.

The Tenants did not attend this hearing, although I left the teleconference hearing connection open until 11:14 a.m. 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 Landlord's Representatives and I were the only ones who had called into this teleconference.

Analysis and Conclusion

Rules 7.1 and 7.3 of the *Residential Tenancy Branch Rules of Procedure* provide as follows:

Commencement of Hearing:

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

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.

As the Applicant Tenants did not attend the hearing, and the Landlord's Representatives appeared and were ready to proceed, I dismiss the Tenants' claim without leave to reapply. This includes dismissing their request that I cancel the Notice. As such, the tenancy shall end in accordance with the Notice.

Section 55 of the *Residential Tenancy Act* provides in part as follows:

Order of possession for the landlord

55 (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant to the landlord an order of possession of the rental unit if

(a) the landlord's notice to end tenancy complies with section 52 [*form and content of notice to end tenancy*], and

(b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

I have reviewed the Notice and confirm it complies with section 52 of the *Act*. Consequently, and as I have dismissed the Tenants' claim, the Landlord is entitled to an Order of Possession effective two days after service.

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: May 07, 2021

Residential Tenancy Branch