



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding VALLEY REALTY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR

Introduction and Preliminary Matters

On February 22, 2021, the Tenants applied for a Dispute Resolution proceeding seeking to cancel a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice") pursuant to Section 46 of the *Residential Tenancy Act* (the "Act").

Tenant S.G. attended the hearing; however, the Landlord did not attend the hearing at any point during the five-minute teleconference. At the outset of the hearing, I informed the Tenant that recording of the hearing was prohibited and he was reminded to refrain from doing so. He acknowledged this term. As well, he provided a solemn affirmation.

He advised that they did not serve the Landlord the Notice of Hearing package because they gave up vacant possession of the rental unit on or around March 12, 2021. Based on this undisputed testimony, I am not satisfied that the Landlord was served with the Notice of Hearing package. As such, I dismiss the Tenants' Application without leave to reapply.

Conclusion

I dismiss the Tenants' Application 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: May 28, 2021

Residential Tenancy Branch