



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution ("Application") under the *Residential Tenancy Act* ("Act") to cancel a 10 Day Notice to End Tenancy for Unpaid Rent dated April 1, 2021 ("10 Day Notice").

The Landlord appeared at the teleconference hearing and gave affirmed testimony. No one attended on behalf of the Tenants. The Tenants were provided with a copy of the Notice of a Dispute Resolution Hearing on April 1, 2021; however, they did not attend the teleconference hearing scheduled for May 20, 2021 at 11:00 a.m. (Pacific Time). The phone line remained open for over 45 minutes and was monitored throughout this time. The only person to call into the hearing was the Respondent Landlord, who indicated that he was ready to proceed.

Rule 7.1 of the Residential Tenancy Branch Rules of Procedure ("Rules") states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. The Respondent Landlord and I attended the hearing on time and were ready to proceed, and there was no evidence before me that the Parties had agreed to reschedule or adjourn the matter; accordingly, I commenced the hearing at 11:00 a.m. on May 20, 2021, as scheduled.

Rule 7.3 states that 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. The teleconference line remained open for over 45 minutes; however, neither the Applicants nor an agent acting on their behalf attended to provide any evidence or testimony for my consideration. As a result, and pursuant to Rule 7.3, I **dismiss the Tenants' Application without leave to reapply**.

Section 55 of the Act states that if a tenant's application to cancel a notice to end tenancy is dismissed, and I am satisfied that the notice to end tenancy complies with the requirements under section 52, I must grant the landlord an order of possession.

The Tenants submitted a copy of the 10 Day Notice, which was signed and dated April 1, 2021, and which had the rental unit address. The Landlord said he served the 10 Day Notice by leaving a copy in the mail box or mail slot on April 1, 2021. The 10 Day Notice has an effective vacancy date of April 11, 2021, which is automatically corrected to April 14, 2021, by section 53 of the Act. The grounds for issuing this eviction notice were that the Tenants failed to pay the Landlord \$1,100.00 in rent when it was due on March 31, 2021, according to the tenancy agreement. I find that the 10 Day Notice is in the approved form and is valid, pursuant to section 52 of the Act.

As a result, I find that the Landlord is entitled to an order of possession pursuant to section 55 of the Act. As the effective date of the 10 Day Notice has passed and the undisputed evidence before me is that the Tenants have not paid rent for April or May 2021, the **Order of Possession will be effective two days after service** of the Order on the Tenants.

Conclusion

The Tenants are unsuccessful in their Application, as they did not attend the participatory hearing to present the merits of their Application. The Application is dismissed without leave to reapply.

The Landlord did attend the hearing, and pursuant to section 55 of the Act, I grant the him an Order of Possession effective **two days after service of this Order** on the Tenants. The Landlord is provided with this Order in the above terms and the Tenants must be served with this Order as soon as possible.

Should the Tenants fail to comply with this Order, it may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

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 20, 2021

Residential Tenancy Branch