



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OLC, FFT

Introduction

This hearing dealt with an Application for Dispute Resolution (“Application”) by the Tenants seeking remedy under the *Residential Tenancy Act* (“Act”) to cancel a One Month Notice to End Tenancy for Cause, for an Order for the Landlord to Comply with the Act or tenancy agreement; and to recover the cost of their Application filing fee.

The Landlords, D.R. and G.R., attended the teleconference hearing; however, the Tenants did not. Further, the Landlords said that the Tenants were evicted from the residential property with the help of two bailiffs and five police officers on April 27, 2021. The Landlords had obtained an order of possession from the Residential Tenancy Branch and a writ of possession from the BC Supreme Court. The Landlords uploaded a copy of a bailiff’s “Receipt for Peaceful Possession of Premises” dated April 27, 2021.

The Tenants were provided with a copy of the Notice of a Dispute Resolution Hearing on March 12, 2021; however, the Tenants did not attend the teleconference hearing scheduled for June 15, 2021 at 9:30 a.m. (Pacific Time). The phone line remained open for over ten minutes and was monitored throughout this time. The only persons to call into the hearing were the respondent Landlords, D.R. and G.R., who indicated that they were 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 Landlords 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 9:30 a.m. on June 15, 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 ten 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**.

Conclusion

The Tenants' Application is dismissed without leave to reapply, as the Tenants were already evicted from the residential property, and neither the Tenants nor an Agent acting on their behalf attended the hearing to present the merits of the Application. The Respondent Landlords did attend the hearing.

This Decision will be sent to the email address provided by the Tenants in the Application, and to the email address provided by the Landlords during the hearing.

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: June 15, 2021

Residential Tenancy Branch