



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding WELBEE QUESNEL LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, OLC, MNDCT, RP, AAT

Introduction

On June 29, 2021, the Tenant made an Application for Dispute Resolution under the *Residential Tenancy Act* ("the Act") to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities. The Tenants also applied for the following relief:

- for a monetary order for money owed or compensation for damage or loss
- for an order for the Landlord to make repairs
- for an order for the Landlord to allow access to the unit

The matter was set for a conference call hearing at 11:00 am. The Landlords attended the teleconference hearing; however, the Tenants did not.

The line remained open while the phone system was monitored for ten minutes and the Tenants did not call into the hearing during this time. Therefore, as the Applicants did not attend the hearing by 11:10 am, I dismiss the claims without leave to reapply.

Issue to be Decided

- Is the Landlord entitled to an order of possession based on a 10 Day Notice?

Background and Evidence

The Landlord testified that they did not issue a 10 Day Notice to End Tenancy to the Tenants for unpaid rent or utilities. The Landlord testified that they issued the Tenants a One Month Notice to End Tenancy for Cause. The Landlords did not make their own application for dispute resolution seeking to enforce a One Month Notice to End Tenancy for Cause.

Section 62 of the Act provides that the director has authority to determine disputes in relation to which the director has accepted an application for dispute resolution, and any matters related to that dispute that arise under this Act or a tenancy agreement.

Residential Tenancy Branch Rules of Procedure 2.2 provides that a claim is limited to what is stated in the application.

Since the Tenants did not appear at the hearing, I was unable to get authorization to amend the Tenants' application to include a dispute of a One Month Notice to End Tenancy for Cause.

The dispute of a One Month Notice to End Tenancy for Cause is not before me; therefore, I am unable to grant the Landlord an order of possession related to a One Month Notice. The Landlords are at liberty to apply for dispute resolution to enforce the One Month Notice that was issued, or to apply for an early end of tenancy pursuant to section 56 of the Act.

Conclusion

The Tenants failed to attend the hearing to pursue their application. The Tenants application is dismissed in its entirety 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: November 01, 2021

Residential Tenancy Branch