



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, CNR-MT

Introduction

This hearing dealt with the tenant's two application(s) pursuant to the *Residential Tenancy Act* (the "Act") for:

- more time to make an application to cancel the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 66;
- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;

The tenants filed one application to cancel a 10 Day Notice to End Tenancy followed by a second application for more time to make an application for dispute and if allowed to obtain an order to cancel a 10 Day Notice to End Tenancy for Unpaid Rent.

The landlord's agent (the landlord) attended the hearing via conference call and provided undisputed testimony. The two tenants did not attend. The named landlord failed to submit any documentary authorization for his agent, S.S. to attend on his behalf. The named landlord attended the hearing via conference call and confirmed his identification and that he wished to have S.S. act on his behalf.

The landlord stated that the tenants had vacated the rental unit. The landlord stated that he was only served with the first application for dispute and not a second one.

This matter was set for a conference call hearing at 11:00 a.m. on this date. The landlord confirmed that he was only served with the tenants first application for dispute and that they were aware of the listed issue(s). The landlord stated no other hearing package(s) were served for any other tenants' applications. 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 I was the only person who had called into this teleconference.

I waited until 11 minutes past the start of the scheduled hearing time in order to enable both parties to connect with this teleconference hearing.

Rule 7 of the Rules of Procedure provides that:

7.1 Commencement of the dispute resolution hearing

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

7.2 Delay in the start of a hearing

In the event of a delay of a start of a conference call hearing, each party must stay available on the line to commence the hearing for 30 minutes after the time scheduled for the start of the hearing.

In the event of a delay of a face-to-face hearing, unless otherwise advised, the parties must remain available to commence the hearing at the hearing location for 30 minutes after the time scheduled for the start of the hearing.

7.3 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.

7.4 Evidence must be presented

Evidence must be presented by the party who submitted it, or by the party's agent.

If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

Accordingly, in the absence of any evidence or submissions from the tenants and in the absence of the tenants' participation in this hearing, I order the tenants' first application dismissed without leave to reapply. I make no findings on the merits of the matter.

I also order that the tenants second application for dispute be dismissed with leave to reapply for lack of service.

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: January 20, 2022

Residential Tenancy Branch