



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, DRI, PSF, LRE, OLC, AS

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- cancellation of the 10 Day Notice to End Tenancy for Unpaid Rent, pursuant to section 46;
- an Order that the landlord's right to enter be suspended or restricted, pursuant to section 70;
- an Order directing the landlord to comply with the *Act*, regulation or tenancy agreement, pursuant to section 62;
- an Order to provide services or facilities required by the tenancy agreement or law, pursuant to section 65;
- disputation of a rent increase from the landlord, pursuant to section 42; and
- an Order directing the landlord to allow the subject rental property to be assigned or sublet, pursuant to section 65.

The tenants did not attend this hearing, although I left the teleconference hearing connection open until 9:44 a.m. in order to enable the tenants to call into this teleconference hearing scheduled for 9:30 a.m. The landlord, the landlord's wife and the landlord's witness attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. 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 the landlord, the landlord's wife, the landlord's witness and I were the only ones who had called into this teleconference.

The landlord, the landlord's wife and the landlord's witness were advised that Rule 6.11 of the Residential Tenancy Branch Rules of Procedure prohibits the recording of dispute

resolution hearings. The landlord, the landlord's wife and the landlord's witness testified that they are not recording this dispute resolution hearing.

The landlord provided the spelling of his first legal name, which is different than the first name of the landlord on this application for dispute resolution. Pursuant to section 64 of the Act, I amend the tenants' application to state the landlord's legal first name, rather than the first name the landlord goes by.

The landlord testified that this tenancy ended on February 22, 2022, when bailiffs enforced an Order of Possession granted by the Residential Tenancy Branch in a Decision dated February 1, 2022. The file number for the previous decision is located on the cover page of this decision.

Rule 7.1 of the Residential Tenancy Rules of Procedure states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. 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 re-apply.

Conclusion

Based on the above, in the absence of any evidence or submissions from the applicants I order the application dismissed without liberty to reapply. As this tenancy has ended, I do not need to consider if the landlord is entitled to an Order of Possession pursuant to section 55 of the Act.

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: March 07, 2022

Residential Tenancy Branch