



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with the Tenants' application under the Residential Tenancy Act (the "Act") to cancel a One Month Notice to End Tenancy for Cause dated January 25, 2022 pursuant to section 47 of the Act.

The Landlord's agent KN attended the hearing and was given an opportunity to make submissions.

The Tenants did not attend this hearing. I left the teleconference hearing connection open until 1:40 pm in order to enable the Tenants to call into the hearing scheduled to start at 1:30 pm. I confirmed that the correct call-in numbers and participant code had been provided in the notice of dispute resolution proceeding. I used the teleconference system to confirm that the Landlord's agent KN and I were the only ones who had called into the hearing.

Preliminary Matter – Dismissal of Tenants' Application

Rule 7.3 of the Residential Tenancy Branch Rules of Procedure provides as follows:

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 reapply.

As the Tenants did not attend the hearing, and in the absence of any submissions or substantive evidence, I order that the Tenants' application be dismissed without leave to reapply.

Preliminary Matter – Tenancy Has Ended

KN testified the Tenants abandoned the rental unit on March 14, 2022. KN confirmed the Landlord does not require an Order of Possession at this time. I find that the tenancy ended, pursuant to section 44(1)(d) of the Act, on March 14, 2022.

Conclusion

The Tenants' application is dismissed 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: May 10, 2022

Residential Tenancy Branch