



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, RP, OLC, FFT

Introduction

This hearing dealt with an Application for Dispute Resolution (the Application) that was filed by the Tenants on June 25, 2022, under the *Residential Tenancy Act* (the Act), seeking:

- Cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the 10 Day Notice);
- An order for the Landlords to complete repairs;
- An order for the Landlords to comply with the Act, regulations, or tenancy agreement; and
- Recovery of the filing fee.

The hearing was convened by telephone conference call at 11:00 A.M. (Pacific Time) on November 10, 2022, and was attended by the Landlord R.C., who provided affirmed testimony. The Tenants did not attend.

The Landlord was advised that pursuant to rule 6.10 of the Rules of Procedure, interruptions and inappropriate behavior would not be permitted and could result in limitations on participation, such as being muted, or exclusion from the proceedings. The Landlord was asked to refrain from speaking over me and to hold their questions and responses until it was their opportunity to speak. The Landlord was also advised that pursuant to rule 6.11 of the Rules of Procedure, recordings of the proceedings are prohibited, except as allowable under rule 6.12, and confirmed that they were not recording the proceedings.

The Notice of Dispute Resolution Proceeding (NODRP) which the Landlord acknowledged receiving from the Tenants, states the date and time of the hearing, that

the hearing will be conducted by telephone conference call, and provides the phone number and access code for the hearing. It also instructs participants that they are to call into the hearing themselves no more than five minutes before the start of the hearing. Rule 7.1 of the Rules of Procedure states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. I verified that the hearing information contained in the NODRP was correct, and I note that the Landlord had no difficulty attending the hearing on time using this information. As the Landlord and I attended the hearing on time and ready to proceed, I therefore commenced the hearing as scheduled, despite the absence of the Tenants. Pursuant to rule 7.3 of the Rules of Procedure, which states that if a party or their agent fails to attend the hearing, the arbitrator may dismiss the Application with or without leave to reapply, I dismissed the Application in its entirety without leave to reapply.

The Landlord stated that the Tenants vacated the rental unit over four months ago and that at the time the tenancy ended, all rent was paid.

Conclusion

The Tenants' Application is dismissed without leave to reapply.

I have not granted the Landlords an Order of Possession or a Monetary Order for unpaid rent pursuant to sections 55(1) and 55(1.1) of the Act as the Landlord stated the tenancy ended over four months ago and that no rent is outstanding.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: November 10, 2022

Residential Tenancy Branch