



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR

### Introduction

This hearing dealt with an Application for Dispute Resolution (the Application) that was filed by the Tenants on September 8, 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).

The hearing was convened by telephone conference call at 11:00 A.M. (Pacific Time) on January 20, 2023, and was attended by the Landlord K.B. and their support person P.S., both of whom provided affirmed testimony. The Tenants did not attend. As the Landlord acknowledged receipt of the Notice of Dispute Resolution Proceeding (NODRP) and raised no concerns with regards to the date or method of service, I find them sufficiently served for the purposes of the Act and the Residential Tenancy Branch Rules of Procedure (Rules of Procedure).

The participants were 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 participants were asked to refrain from speaking over me and to hold their questions and responses until it was their opportunity to speak. The participants were 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 Landlord provided me with their full legal name during the hearing, which was similar to, but not the same as the name listed in the Application, as their given name

was listed as their surname, their middle name was listed as their given name, and their surname was not listed. The Application was amended based on the affirmed and undisputed testimony of the Landlord.

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 and their support person had no difficulty attending the hearing on time using this information. As the Landlord, their support person, 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, I subsequently dismissed the Tenants' Application without leave to reapply.

### Conclusion

The Tenants' Application is dismissed without leave to reapply.

However, I have not granted the Landlord an Order of Possession or a Monetary Order for unpaid rent pursuant to sections 55(1) and 55(1.1) of the Act as no copy of the 10 Day Notice was before me for review or consideration from either party, the Landlord bore the burden of proof with regards to enforcement of the 10 Day Notice, and the evidence service and submission deadlines were long past. The Landlord was advised of their right to seek enforcement of the 10 Day Notice and recovery of unpaid rent by filing their own application for dispute resolution either by way of a direct request or a participatory hearing.

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: January 20, 2023

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Residential Tenancy Branch