



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes OPR-DR, MNR-DR, FFL
CNC-MT, LRE, LAT, OLC, FFT

Introduction

This hearing convened as a result of Cross Applications. In the Landlord's Application, filed on September 24, 2022, the Landlord sought an Order of Possession and monetary compensation based on a 10 Day Notice to End Tenancy for Unpaid Rent and Utilities issued on September 13, 2022 as well as recovery of the filing fee. In the Tenants' Application, filed on December 26, 2022, they sought the following:

- to cancel a 1 Month Notice to End Tenancy for Cause;
- more time to make such an application;
- an Order permitting them to change the locks on the rental unit;
- an Order restricting the Landlord's right to enter the rental unit;
- an Order that the Landlord comply with the *Residential Tenancy Act*, the *Residential Tenancy Regulation*, and/or the residential tenancy agreement; and,
- recovery of the filing fee.

The hearing of the parties applications was scheduled for 9:30 a.m. on March 13, 2023. The line remained open while the phone system was monitored for ten minutes and no participant called into the hearing during this time. 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.

Analysis and Conclusion

Hearings before the Residential Tenancy Branch are conducted in accordance with the *Residential Tenancy Branch Rules of Procedure*. Rules 7.1, 7.3 and 7.4 address the requirement of a party to call into the teleconference hearing and read as follows:

7.1 Commencement of Hearing

The hearing must commence at the scheduled time unless otherwise decided by the arbitrator.

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.

As neither party called into the hearing by 9:40 a.m., and in the absence of any evidence or submissions from the parties, I dismiss the parties' claims with leave to reapply. I note this does not extend any applicable time limits under the *Act*.

This Decision is final and binding on the parties, except as otherwise provided under the *Act*, and 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 13, 2023

Residential Tenancy Branch