



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC-MT

Introduction

The tenants applied to the Residential Tenancy Branch [the 'RTB'] for Dispute Resolution. The tenants ask me to cancel a 10-day Notice to End Tenancy [the 'Notice'].

The landlords appeared at the hearing on 1 May 2023. The tenants did not.

Preliminary Matter - Non-appearance at the Hearing

The tenants did not attend this hearing, although I left the teleconference hearing connection open throughout the hearing which commenced at 1100 hours and ended about 15 minutes later. I confirmed:

1. that the RTB had provided the correct call-in numbers and participant codes in the Notice of Hearing; and
2. by reviewing the teleconference system, that the landlords and I were the only ones who had called into this teleconference;

Rule 7.3 of the RTB Rules of Procedure reads:

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.

The tenants failed to attend this hearing, but I conducted it in their absence. I was satisfied that the tenants had notice of this hearing and how to participate.

Issues to be Decided

Should I cancel the Notice?

Background and Evidence

The landlords told me that the tenants moved out of the unit in January and that, since 15 January, different people have been renting the unit.

The landlords gave no evidence of the efficacy of the Notice or of any rent owing.

Analysis

This tenancy is at an end, as of January.

Neither party presented any argument or evidence to me regarding the Notice or why it should be cancelled or upheld. Accordingly, I cannot grant this application, or make any other orders regarding this Notice.

Conclusion

I dismiss this application without leave to re-apply.

I make this decision on authority delegated to me by the Director of the RTB *per* section 9.1(1) of the *Residential Tenancy Act*.

Dated: 23 May 2023