

## **DECISION**

### **Introduction**

This hearing dealt with the Tenant's Applications for Dispute Resolution under the *Residential Tenancy Act* (the Act). The Tenant's first application is for:

- cancellation of the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (10 Day Notice) under section 46 of the Act
- a monetary order for damage and compensation under section 67 of the Act
- an order for the Landlord to comply with the Act, tenancy agreement or regulation under section 62 of the Act

The Tenant's second application is for:

- cancellation of the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (10 Day Notice) under section 46 of the Act
- an order for the Landlord to comply with the Act, tenancy agreement or regulation under section 62 of the Act

The Tenant did not attend this hearing, although I left the teleconference hearing connection open for 10 minutes in order to enable the Tenant to call into this teleconference hearing scheduled for 9:30 a.m. Landlord K.C. and an agent for the Landlords, Kr.C., attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. 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 Landlord K.C., agent Kr.C. and I were the only ones who had called into this teleconference.

Rule 7.1 of the Residential Tenancy Rules of Procedure states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. Rule 7.3 states that 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.

Based on the above, in the absence of any evidence or submissions from the applicant I order the applications dismissed without liberty to reapply.

The parties had a previous Residential Tenancy Branch hearing on January 16, 2025 in which the Landlord was granted an Order of Possession and a Monetary Order for unpaid rent. Landlord K.C. testified that the Tenant has vacated the rental property. As this

tenancy has already ended and the Landlord has obtained a Monetary Order for unpaid rent, I find that I do not need to consider if the Landlords are entitled to same under section 55(1) and 55(1.1) of the Act.

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 16, 2025

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Residential Tenancy Branch