



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, CNR, LRE, OPC

Introduction

This hearing dealt with applications from both the landlords and the tenants under the *Residential Tenancy Act* (the *Act*). The landlords applied for:

- an order of possession for cause pursuant to section 55;

The tenant applied for:

- more time to make an application to cancel the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 66;
- more time to make an application to cancel the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 66;
- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;
- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47;
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70.

These matters were set for a conference call hearing at 9:30 a.m. on this date. The tenant did not attend. The landlords attended the hearing via conference call and provided undisputed testimony. The landlords confirmed that they were served with the tenant's application for dispute and that they were aware of the listed issue(s).

At the outset, the landlords stated that the tenant vacated the rental unit on August 5, 2019 and that an order of possession was no longer required. I also note for the record that the tenant's application appears to be incomplete. It lists several references to a "paper application" that do not appear to be on file. A review of the Residential Tenancy

Branch (RTB) Service Portal (database) shows references to an uploaded paper application, but no such file exists.

I waited until 27 minutes past the start of the scheduled hearing time in order to enable both parties to connect with this teleconference hearing.

Rule 7 of the Rules of Procedure provides that:

7.1 Commencement of the dispute resolution hearing

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

7.2 Delay in the start of a hearing

In the event of a delay of a start of a conference call hearing, each party must stay available on the line to commence the hearing for 30 minutes after the time scheduled for the start of the hearing.

In the event of a delay of a face-to-face hearing, unless otherwise advised, the parties must remain available to commence the hearing at the hearing location for 30 minutes after the time scheduled for the start of the hearing.

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.

Accordingly, in the absence of any evidence or submissions from the tenant and in the absence of the tenant's participation in this hearing, I order the tenant's application dismissed without leave to reapply. I make no findings on the merits of the matter.

Extensive discussions took place with the landlords and it was revealed that the landlords had applied for an order of possession as a result of issuing a 1 month notice to end tenancy issued for cause dated June 3, 2019 to the tenant. Only after receiving a file number from the landlord a review of the RTB database shows a cross referenced file scheduled for the landlords application that was made on August 1, 2019 for the landlord to obtain an order of possession as a result of a notice to end tenancy issued for cause. A previous review failed to show a cross referenced file scheduled for this same time period.

Discussions with both landlords concluded regarding the landlord's application as being considered withdrawn and no further action required. The landlords previously provided

testimony that the tenant had vacated the rental unit on August 5, 2019 and an order of possession was no longer required.

This decision 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: August 12, 2019

Residential Tenancy Branch