



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC-MT OLC

Introduction and Analysis

This hearing dealt with an Application for Dispute Resolution (application) by the tenants seeking remedy under the *Residential Tenancy Act* (the Act) to cancel a 1 Month Notice to End Tenancy for Unpaid Rent or Utilities, for an order directing the landlord to comply with the Act, regulation or tenancy agreement, and for more time to make an application to dispute a notice to end tenancy.

The tenants were provided with a copy of the Notice of a Dispute Resolution Proceeding document dated November 26, 2020 (Notice of Hearing). The tenants however, did not attend the teleconference hearing set for this date, Tuesday, February 9, 2021 at 11:00 a.m. Pacific Time. The phone line remained open for 11 minutes and was monitored throughout this time. The only person to call into the hearing was the landlord LMG (landlord) who indicated that they were ready to proceed, and advised that the tenants had already been evicted based on an Order of Possession granted to the landlord on a different file, and that Order of Possession was dated January 14, 2021.

Although the landlord attempted to make a monetary claim through the submission of evidence, the landlord was advised that the landlord is not permitted under the Rules of Procedure to make their own claim through the tenants' application. The landlord was advised that they have the ability to submit their own monetary claim with the Residential Tenancy Branch.

Following the ten-minute waiting period, the application of the tenants was **dismissed without leave to reapply** as the tenants failed to attend the hearing to present the merits of their application or at the very least cancel their scheduled hearing in advance of the hearing. This is pursuant to Rule 7.1 and 7.3 of the Residential Tenancy Branch (RTB) Rules of Procedure (Rules). The landlord did attend the hearing and was ready to proceed.

Conclusion

The tenants' application is dismissed without leave to reapply.

This decision does not extend any applicable time limits under the Act.

This decision will be emailed to the tenants and to the landlord as the email address listed by the tenants in their application and as confirmed by the landlord during the hearing.

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: February 9, 2021

Residential Tenancy Branch