



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, LRE

### Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* ("Act") for:

- cancellation of the landlord's Ten Day Notice to End Tenancy for Unpaid Rent Or Utilities, dated April 5, 2021 ("10 Day Notice"), pursuant to section 46; and
- an order restricting the landlord's right to enter the unit, pursuant to section 70.

While the respondent landlord and his agent attended the hearing by way of conference call, the applicant tenants did not, although I waited until 9:41 a.m. in order to enable the tenants to connect with this teleconference hearing scheduled for 9:30 a.m. 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 the landlord, the landlord's agent, and I were the only people who called into this teleconference.

The landlord and his agent were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The landlord stated that he owns the rental unit. The landlord confirmed that his agent, who is his wife, had permission to speak on his behalf at this hearing.

At the outset of the hearing, I informed the landlord and his agent that Rule 6.11 of the Residential Tenancy Branch ("RTB") *Rules of Procedure* does not permit recording of this hearing by any party. The landlord and his agent both affirmed under oath that they would not record this hearing.

The landlord and his agent did not make any adjournment or accommodation requests.

The landlord confirmed receipt of the tenants' application for dispute resolution hearing package from the RTB directly, not from the tenants.

### Preliminary Issue – Dismissal of Tenants' Application

Rule 7.3 of the RTB *Rules of Procedure* provides as follows:

*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.*

In the absence of any appearance by the tenants, I order the tenants' entire application dismissed without leave to reapply.

### Analysis

Pursuant to section 55 of the *Act*, if I dismiss the tenants' application to cancel a 10 Day Notice, the landlord is entitled to an order of possession, provided that the notice meets the requirements of section 52 of the *Act*.

The landlord stated that he did not require an order of possession because the tenants vacated the rental unit on May 1, 2021. I notified the landlord that I would not issue an order of possession to him. The landlord confirmed his understanding of same.

### Conclusion

The tenants' entire application is dismissed without leave to reapply. The landlord is not entitled to an order of possession against the tenants.

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: July 29, 2021

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Residential Tenancy Branch