



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Kekuli Investments  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      RP, CNR, OLC, LRE

### Introduction

This telephone conference call hearing was convened as the result of the tenant's application for dispute resolution under the Residential Tenancy Act (the "Act") seeking an order cancelling the landlord's 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the "Notice"), an order requiring the landlord to make repairs to the rental unit, for an order requiring the landlord to comply with the Act, and an order suspending or setting conditions on the landlord's right to enter the rental unit.

The hearing began at 1:00 p.m. as scheduled and the telephone system remained open and was monitored for 10 minutes.

During this time, the applicant/tenant did not dial into the telephone conference call hearing; however the landlord was present and ready to proceed with the hearing.

During the hearing, the landlord stated that the tenant has paid rent in full through January 2014, although it was paid beyond the 5 days as allowed on the Notice.

In response to my question the landlord confirmed that, when accepting the tenant's rent, they did not communicate to the tenant the tenancy was not being reinstated.

The landlord further stated that they have since issued the tenant a 1 Month Notice to End Tenancy for Cause, for an effective end of tenancy date of January 31, 2014. The landlord agreed he would not go forward on the 10 Day Notice and would wait for the effects of the 1 Month Notice. As such, the landlord did not make an oral request for an order of possession for the rental unit.

Analysis and Conclusion

In the absence of the tenant to present their claim, pursuant to section 10.1 of the Dispute Resolution Rules of Procedure (Rules), I dismiss the tenant's application, without leave to reapply.

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* and is being mailed to both the applicant and the respondent.

Dated: January 22, 2014

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Residential Tenancy Branch

