



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR, FF

### Introduction

Pursuant to section 58 of the *Residential Tenancy Act*. (the *Act*), I was designated to hear this matter. This hearing dealt with the tenant's application for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46; and
- authorization to recover his filing fee for this application from the landlord pursuant to section 72.

While the Respondent's agent attended the hearing by way of conference call, the Applicant did not, although I waited until 11:11 a.m. in order to enable the Applicant to connect with this teleconference hearing scheduled for 11:00 a.m.

Rule 10.1 of the Rules of Procedure provides as follows:

**10.1 Commencement of the dispute resolution proceeding** The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the dispute resolution proceeding in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

**In the absence of the applicant's participation in this hearing, I order the application dismissed without liberty to reapply.**

At the hearing, I asked the Respondent's agent (the agent) if she was requesting anything at this hearing. She said that she would like to recover the unpaid rent owing from this tenancy. I advised her that she could not make an oral request for a monetary award, but would need to submit an application on the landlord's behalf if that was her wish. She confirmed that she was not making any other request at this hearing.

The agent also testified that the Applicant appears to have rented the premises to new tenants and was accepting rent and a security deposit from them, as if he had a legal right to do so. She indicated that she would be pursuing a new application to address the circumstances at this rental property.

The tenant's application is dismissed 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*.

Dated: February 28, 2014

---

Residential Tenancy Branch

