



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Quay Pacific Property Management Ltd. and Amer Quershi
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, RR, RP, ERP

Introduction:

This was an application by the tenants to cancel a Notice to End the Tenancy for non-payment of rent dated October 21, 2015, as well applications to reduce the rent and compel repairs. Only the tenant JP attended the conference call hearing of this application. I found that based on the evidence of JP that she had served the landlord with this application in person on November 12, 2015.

Issues: Are the tenants entitled to any relief?

Preliminary Matters:

The tenants indicated several matters of dispute on their application and confirmed that the main issue to deal with during this proceeding is the Notice to End Tenancy. For disputes to be combined on an application they must be related. Not all the claims on this application are sufficiently related to the main issue to be dealt with together. Therefore, I will only deal with the tenants' request to set aside or cancel the Notice to End Tenancy for Non-Payment of Rent and I dismiss the balance of the tenants' claims with liberty to re-apply pursuant to Rule 2.3

2.3 Dismissing unrelated disputes in a single application

If, in the course of the dispute resolution proceeding, the arbitrator determines that it is appropriate to do so, the arbitrator may dismiss unrelated disputes contained in a single application with or without leave to reapply.

Background and Evidence:

The landlord who has the burden of proof in all applications where a tenant challenges a Notice to End a tenancy, failed to attend the hearing which lasted fourteen minutes.

Analysis:

Rule 10.1 of the Rules of Procedure provides:

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.

As a result of the landlord's failure to attend and pursuant to Rule 10.1, I cancelled the Notice to End the Tenancy dated October 21, 2015 with an effective date of October 31, 2015. The tenancy is confirmed.

Conclusion:

In absence of the landlord's attendance, I allowed the tenant's application to cancel the Notice. I cancelled the Notice to End the Tenancy dated October 21, 2015. The tenancy is confirmed. I have dismissed with leave to reapply the balance of the tenants' applications. I have not made any order as to the recovery of the filing fee.

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: December 14, 2015

Residential Tenancy Branch

