



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, MNDC, FF

### Introduction

On September 14, 2016, the Landlord submitted an Application for Dispute Resolution seeking an order of possession due to unpaid rent or utilities; a monetary order for unpaid rent or utilities; to keep the security deposit; and to recover the cost of the filing fee. The matter was set for a conference call hearing.

The Tenant attended the teleconference hearing; however, the Landlord did not. The phone line remained open while the phone system was monitored for ten minutes and the Landlord did not call into the hearing during this time. Therefore, as the Applicant did not attend the hearing by 11:10 AM, I dismiss the Landlord's claim.

The Tenant testified that she received a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities from the Landlord, but did not dispute because she paid all of her rent on time.

In the documentary evidence the Landlord provided a copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated September 2, 2016.

Since the Landlord did not appear at the hearing to prove cause for ending the tenancy, and because the Tenant was present at the hearing prepared to dispute the 10 Day Notice, the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated September 2, 2016 is set aside.

The Landlord's Application is dismissed. The tenancy will continue until ended in accordance with the Act.

### Conclusion

The Landlord's Application is dismissed. The 1 Month Notice issued by the Landlord dated September 2, 2016 is cancelled.

The tenancy will continue until ended in accordance with the Act.

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: November 04, 2016

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Residential Tenancy Branch

