



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR

### Introduction

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

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated March 17, 2017 ("10 Day Notice"), pursuant to section 46.

While the respondent landlord's agent, MR ("landlord") attended the hearing by way of conference call, the applicant tenant did not, although I waited until 9:40 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 9:30 a.m. The landlord confirmed that he was the son of the landlord named in this application and that he had authority to speak on his behalf as an agent at this hearing.

Pursuant to section 64(3)(c) of the *Act*, I amend the tenant's application to correct the spelling of the landlord's surname. The landlord agreed to this amendment and I find no prejudice to the tenant in making the amendment.

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 tenant, I order the tenant's application dismissed without leave to reapply.

Pursuant to section 55 of the *Act*, if I cancel the tenant's application to cancel a 10 Day Notice, the landlord is entitled to an order of possession. However, during the hearing,

the landlord testified that the landlord did not require an order of possession against the tenant because the landlord had already taken back possession of the rental unit after the tenant vacated.

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: April 21, 2017

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Residential Tenancy Branch