



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MT   CNR

### Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution, received at the Residential Tenancy Branch on April 13, 2017 (the "Application"). The Tenant applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order allowing more time to make an application to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated April 2, 2017 (the "10 Day Notice");
- an order cancelling the 10 Day Notice.

The Landlord attended the hearing and was accompanied by B.R. During the hearing, L.D. signed into the telephone conference to advise the Tenant would not be attending the hearing. She confirmed she was not authorized to speak on the Tenant's behalf but was simply relaying a message.

This matter was set for hearing by telephone conference call at 11:00 A.M. (Pacific Time) on May 18, 2017. The line remained open while the phone system was monitored for ten minutes and the only participants who called into the hearing during this time was the Respondent and L.D., who confirmed she had no authority to speak on behalf of the Tenant. Therefore, as the Applicant did not attend the hearing by 11:10 A.M., and the Respondent appeared and was ready to proceed, I dismiss the claim without leave to reapply.

When a tenant's application to cancel a notice to end tenancy is dismissed and the notice complies with section 52 of the *Act*, section 55 of the *Act* requires that I grant an order of possession to the landlord. As I have dismissed the Tenant's Application and found that the 10 Day Notice complied with section 52 of the *Act*, I grant the Landlord an order of possession. The order of possession will be effective two (2) days after it is served on the Tenant. The order of possession may be filed in and enforced as an order of the Supreme Court of British Columbia.

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: May 18, 2017

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Residential Tenancy Branch