



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC ERP MNDC MNR MNSD O

### Introduction

This hearing addressed the tenants' application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of the landlord's Notice to End Tenancy pursuant to section 47;
- an Order for repairs to be made to the unit pursuant to section 33 of the *Act*;
- a Monetary Order as compensation for damage or loss under the *Act* pursuant to section 67 of the *Act*; and
- other unspecified relief.

While the Respondent attended the hearing by way of conference call, the Applicant did not, although I waited until 10:45 A.M. in order to enable the Applicant to connect with this teleconference hearing scheduled for 10:30 A.M. The Respondent attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

Rule 7.3 of the Rules of Procedure provides as follows:

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

### Analysis

Section 55(1) of the *Act* reads as follows:

**55** (1) *If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of*

*possession of the rental unit to the landlord if, at the time scheduled for the hearing,*

- (a) the landlord's notice to end tenancy complies with section 52{form and content of notice to end tenancy}, and*
- (b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.*

No copy of the landlord's notice to end tenancy was provided to the hearing by either the landlord or the tenant. I make no finding on the issuance of an Order of Possession as the landlord has not met the burden of proof. If the landlord has served the tenant with a valid notice to end tenancy, it remains at the landlord's discretion to enforce this notice.

### Conclusion

All aspects of the tenant's application are 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: August 17, 2017

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Residential Tenancy Branch