



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

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

- cancellation of the landlord's Notice to End Tenancy for Unpaid Rent pursuant to section 46.

While the respondent landlord, S.B. attended the hearing by way of conference call, the Applicant tenant did not, although I waited until 10:40 A.M. in order to enable the Applicant to connect with this teleconference hearing scheduled for 10:30 A.M.

Rule 7.1 of the Rules of Procedure provides as follows:

7.1 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.

The landlord provided undisputed testimony that the tenant had vacated the rental property on March 1, 2018 and that she called in to ensure that there remained no outstanding issues.

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.*

Based on the 10 Day Notice entered at the hearing as written evidence and the landlord's testimony, I find that the landlord's 10 Day Notice complies with section 52 of the *Act*. The tenant's failure to attend this hearing and present evidence relating to this application leads me to order that their application to cancel the 10 Day Notice is dismissed without liberty to reapply.

Conclusion

The tenant's application to cancel a 10 Day Notice is 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: March 08, 2018

Residential Tenancy Branch