



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

- a cancellation of a notice to end tenancy for unpaid rent pursuant to section 46 of the *Act*.

While the respondent, Landlord attended the hearing by way of conference call, the Applicant Tenants did not, although I waited until 11:10 A.M. in order to enable the Applicants to connect with this teleconference hearing scheduled for 11:00 A.M.

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 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.

Issue(s) to be Decided

Can the tenants cancel the landlord's 10 Day Notice?

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.

I do not find that the either party has provided a copy of the 10 Day Notice to the hearing and therefore cannot issue an Order of Possession pursuant to section 55 of the *Act*. The tenants failed to attend this hearing and present evidence relating to their application.

As no copy of the 10 Day Notice was entered into evidence, I can make no determination on its validity, and I find that this tenancy shall continue until it is ended in accordance with the *Act*.

Conclusion

The tenants' application 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 19, 2018

Residential Tenancy Branch