



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding KEKINOW NATIVE SOCIETY  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNR, RP

### Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution, filed February 13, 2018, wherein she sought to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities issued on February 7, 2018 (the "Notice") as well as an Order that the Landlord make repairs to the rental unit.

The hearing was scheduled for telephone conference at 10:30 a.m. on this date. The line was monitored for 15 minutes and the only persons who called into the line were the Landlord's representatives.

Branch records indicate the Tenant called on March 28, 2018 to cancel the hearing. She was informed she required the Landlord's written consent to cancel. No such written consent was provided to the Branch.

The Property Manager D.A. stated that the Tenant had paid the outstanding rent and as such the Landlord wished to withdraw the Notice. She noted however, that the Tenant has been late paying her rent seven times in the past year.

D.A. also confirmed the Tenant's stove had been fixed (which was the repair requested by the Tenant on her Application).

### Analysis and Conclusion

Rules 7.1 and 7.3 of the *Residential Tenancy Branch Rules of Procedure* provide as follows:

#### **Commencement of Hearing:**

The hearing must commence at the scheduled time unless otherwise decided by the arbitrator.

**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.

As the Tenant did not call into the hearing by 10:45 a.m., and the Landlord's representatives appeared and were ready to proceed, I dismiss the Tenant's claim without leave to reapply. In the normal course the Landlord would be granted an Order of Possession pursuant to section 55 of the *Act*; however, the Landlord's representative confirmed the Landlord did not wish to end the tenancy at this time.

The Tenant is reminded that repeated late payment of rent may result in the Landlord issuing a 1 Month Notice to End Tenancy for Cause pursuant to section 47(1)(b) of the *Residential Tenancy Act*.

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 17, 2018

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Residential Tenancy Branch