



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BC HOUSING MANAGEMENT COMMISSION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR MT OLC LRE

Introduction and Analysis

This hearing dealt with an Application for Dispute Resolution (“application”) by the tenant under the *Residential Tenancy Act* (“Act”) to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (“10 Day Notice”), for more time to make an application to cancel a notice to end tenancy, for an order directing the landlord to comply with the Act, regulation or tenancy agreement, and for an order suspending or setting limits on the landlord’s right to enter the rental unit or property.

The tenant was provided with a copy of the Notice of a Dispute Resolution Hearing dated February 15, 2018. The tenant; however, did not attend the teleconference hearing set for this date, Friday, April 20 2018 at 9:30 a.m. Pacific Time. The phone line remained open for 10 minutes and was monitored throughout this time. The only persons to call into the hearing were two agents for the landlord (“agents”) who indicated that they were ready to proceed and were given a full opportunity to have their affirmed testimony be heard, make submissions and to call witnesses. I have confirmed that file audit records support that the tenant did not make any attempt to cancel the hearing prior to the hearing. I have also confirmed that the date, time and codes for the teleconference were correct and that the only persons showing on the teleconference system were the agents who called into the hearing using the same phone number as they were both in the same room, and myself.

Following the ten minute waiting period, the application of the tenant was **dismissed without leave to reapply** as the tenant failed to attend the hearing to present the merits of their application or at the very least cancel their scheduled hearing in advance of the hearing.

As per the agents request, I have also amended the tenant's application from naming three agents to the correct corporate landlord. This amendment was made pursuant to section 64(3) of the *Act*.

Although the tenant continues to occupy the rental unit, the agents confirmed that there was no 10 Day Notice served on the tenant. In addition, the agents did not apply for an order of possession based on a mutual agreement to end tenancy they referred to in their evidence. As a result, I am unable to grant the landlord an order of possession pursuant to section 55 of the *Act*. The landlord is at liberty to apply for an order of possession based on a mutual agreement to end the tenancy.

The agents provided the landlord's email address during the hearing. This decision will be emailed to both parties as a result as the tenant included her email address in her application.

Conclusion

The tenant's application is dismissed without leave to reapply.

I am unable to grant the landlord an order of possession as there was no 10 Day Notice served on the tenant. The landlord is at liberty to apply for an order of possession based on a mutual agreement to end the tenancy. This decision does not extend any applicable time limits under the *Act*.

This decision is final and binding on the parties, except as otherwise provided under the *Act*, and 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 20, 2018

Residential Tenancy Branch