



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding TWIN FIRS PROPERTIES LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR

Introduction

On April 25, 2018, the Tenant applied for a dispute resolution proceeding seeking to cancel a 10 Day Notice to End Tenancy for Unpaid Utilities (the "Notice") pursuant to section 46 of the Act.

At the start of the hearing, I confirmed that S.H. attended the hearing and advised that he was the Property Manager and Agent for the Landlord. The Tenant did not appear during the 11-minute hearing.

S.H. stated from the outset of the hearing that this situation was rectified with the Tenant on May 18, 2018 and she has paid all the rent owing to date. He submitted that she planned to call and cancel the hearing; however, she is extremely busy and likely did not have time to do so. As the Tenant did not appear at the hearing, I dismiss this Application without leave to re-apply.

I note that Section 55 of the *Residential Tenancy Act (Act)* requires that when a Tenant submits an Application for Dispute Resolution seeking to cancel a notice to end tenancy issued by a Landlord, I must consider if the Landlord is entitled to an Order of Possession if the Application is dismissed and the Landlord has issued a notice to end tenancy that that complies with the Act.

As I have dismissed this Application, I advised S.H. that I am legally obligated by law to ask if he would like to request an Order of Possession of the rental unit. S.H. advised that he did not want to pursue an Order of Possession at this time.

Conclusion

As the Tenant did not attend this hearing, I dismiss the Tenant's Application without leave to reapply. The Landlord did not want to receive an order of possession, and therefore, none was granted.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Manufactured Home Park Tenancy Act*.

Dated: May 24, 2018

Residential Tenancy Branch