



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR DRI ERP MNDCT OLC

Introduction

This hearing was scheduled to address the tenant's application pursuant to the *Residential Tenancy Act* ("the Act") for: cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent pursuant to section 46; a monetary order for compensation for damage or loss under the Act pursuant to section 67; an order requiring the landlord to comply with the Act pursuant to section 62; and an order that the landlord make emergency repairs to the rental unit pursuant to section 33.

The tenants/applicants attended however the landlord did not. The teleconference continued from the scheduled start time of 1:30 p.m. and continued until 1:47 p.m. in order to provide an opportunity for the landlord to attend. I checked that the correct participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the tenants and I were the only people who had called into this teleconference.

The tenants testified that they had reached a resolution of their claim with the landlord: they testified that the landlord had agreed to allow them to make payments to catch up on outstanding rent within 6 months. The tenants testified that they did not want to proceed at this time with respect to any dispute of a rent increase, a request for emergency repairs, requiring an order the landlord to comply with the Act and a monetary amount for incomplete repairs.

Pursuant to Residential Tenancy Branch Dispute Resolution Rule No. 7.3, if a party does not attend the hearing, the arbitrator may dismiss the application with or without leave to re-apply. Accordingly, in the absence of the attendance of the landlord (and therefore any

response to the tenant's application), I order the tenant's application dismissed with liberty to reapply. **I make no findings on the merits of the matter.** Liberty to reapply is not an extension of any applicable limitation period.

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: May 17, 2018

Residential Tenancy Branch