



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SELECT REAL ESTATE
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR MNDC OLC

Introduction

This hearing dealt with the tenant's application 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*;
- an Order directing the Landlord to comply with the *Act* pursuant to section 62; and
- a monetary award pursuant to section 67 of the *Act*.

While the respondent landlord attended the hearing by way of conference call, the Applicant tenant did not, although I waited until 1:40 P.M. in order to enable the Applicant tenant to connect with this teleconference hearing scheduled for 1:30 P.M.

Rule 7.1 of the Rules of Procedure provides as follows:

7.1 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.

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.*

After reviewing the evidence submitted to the hearing by both parties, I find that the 10 Day Notice dated May 2, 2018 which was disputed by the tenant to be valid. The tenant's failure to attend this hearing and present evidence relating to the application leads me to order that their application directing the landlord to comply with the *Act*, to cancel the 10 Day Notice, and for a monetary award is dismissed without liberty to reapply.

Based on my decision to dismiss the tenant's application for dispute resolution and my finding that the landlord's 10 Day Notice complies with section 52 of the *Act*, I find that this tenancy ended on the corrected effective date of the 10 Day Notice, May 15, 2018.

Conclusion

The landlord is provided with a formal copy of an Order of Possession effective 2 days after service. Should the tenant fail to comply with this Order, this Order may be enforced as an Order of the Supreme Court of British Columbia.

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: June 18, 2018

Residential Tenancy Branch