



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FFT, LRE, RP

Introduction

This decision pertains to the Tenant's application for dispute resolution made May 8, 2018, under the *Residential Tenancy Act* (the "Act"). The Tenant sought the following:

1. an order to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities;
2. an order suspending or setting conditions on the Landlord's right to enter the rental unit;
3. an order requiring the Landlord to make repairs to the rental unit; and,
4. a monetary order for recovery of the filing fee.

The Landlord and the Landlord's friend attended the hearing before me and were given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. The Tenant did not attend.

The Landlord and the Landlord's friend testified that they were not served with a Notice of Dispute Resolution Proceeding package, and only found out about the hearing because of a text message that the Tenant sent. The Landlord called the Residential Tenancy Branch to find out more information about the application.

Issues to be Decided

1. Is the Tenant entitled to an order to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities?
2. Is the Tenant entitled to an order suspending or setting conditions on the Landlord's right to enter the rental unit?
3. Is the Tenant entitled to an order requiring the Landlord to make repairs to the rental unit?
4. Is the Tenant entitled to a monetary order for recovery of the filing fee?

Background and Analysis

A dispute resolution hearing was scheduled for a teleconference hearing on June 22, 2018, at 1:30 P.M.

Rule 7.1 of the *Rules of Procedure*, under the Act, requires that a hearing start at the scheduled time unless otherwise set by the arbitrator. Further, Rule 7.3 permits an arbitrator to conduct a hearing in the absence of any party, and the arbitrator may make a decision or dismiss the application, with or without leave to reapply.

I dialed into the teleconference and commenced the hearing at 1:30 P.M. The line remained open while the phone system was monitored for twelve minutes, and the only participants who called into the hearing

during this time were the Landlord and the Landlord's friend.

Therefore, as the Tenant did not attend the hearing by 1:42 P.M., and the Landlord appeared and was ready to proceed, I dismiss the Tenant's claim without leave to reapply.

Section 55 (1) of the Act states the following:

If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant to the landlord an order of possession of the rental unit if

(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.

As the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities was not submitted by the Tenant, and was not available for me to review, I am unable to find whether it complied with section 52, and as such I am unable to grant an order of possession of the rental unit as it relates to this application.

Conclusion

I dismiss the Tenant's application without leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1 (1) of the Act.

Dated: June 26, 2018

Residential Tenancy Branch