



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      DRI, CNR

### Introduction

This decision pertains to the Tenants' application for dispute resolution made on May 14, 2018, under the *Residential Tenancy Act* (the "Act"). The Tenants seek (1) an order to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the "Notice"), and (2) to dispute a rent increase.

The Landlord attended the hearing before me and was given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. The Tenants did not attend.

While I have reviewed all oral and documentary evidence submitted, only relevant evidence pertaining to the issues of this application is considered in my decision.

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 is compliant with the Act.

### Issues to be Decided

1. Are the Tenants entitled to an order to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities?
2. Are the Tenants entitled to dispute a rent increase?
3. If the Tenants are unsuccessful in cancelling the Notice to End Tenancy is the landlord entitled to an Order of Possession.

### Background and Analysis

A dispute resolution hearing was scheduled for a teleconference hearing on Tuesday, June 26, 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 date and 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 thirteen minutes and the only participant who called into the hearing during this time was the Landlord.

Therefore, as the Tenants did not attend the hearing by 1:43 p.m., and the Landlord appeared and was ready to proceed, I dismiss the Tenants' application 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.

I have reviewed the Landlord's Notice and find that it complies with section 52 of the Act. I have dismissed the Tenants' application. Therefore, I grant to the Landlord an order of possession of the rental unit, effective two days after service upon the Tenants.

### Conclusion

I dismiss the Tenants' application without leave to reapply.

I grant the Landlord an order of possession effective two days after service upon the

Tenants. This order may be filed in and 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 Act.

Dated: July 5, 2018

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Residential Tenancy Branch