



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR, RR

### Introduction

This teleconference hearing was scheduled in response to an application by the Tenant under the *Residential Tenancy Act* (the “Act”) to cancel a 10 Day Notice to End Tenancy for Unpaid Rent (the “10 Day Notice”) and for an Order for a reduction in rent due to repairs or services provided.

The Landlord called into the hearing, while no one attended for the Tenant. The phone line was kept open for approximately 10 minutes to provide an opportunity for the Tenant to join the hearing.

The Landlord confirmed that he received the Notice of Dispute Resolution Proceeding package from the Tenant in his mailbox. The Landlord also confirmed that he did not submit any evidence prior to the hearing. No evidence from either party was received by the Residential Tenancy Branch.

### Issues to be Decided

Should the 10 Day Notice to End Tenancy for Unpaid Rent be set aside?

Is the Tenant entitled to an Order for a reduction in rent for repairs or services provided?

### Background and Evidence

At the outset of the hearing, the Landlord stated that he had cancelled the 10 Day Notice that is in dispute and had advised the Tenant that the tenancy will be continuing.

### Analysis

Rule 7.3 of the *Residential Tenancy Branch Rules of Procedure* states that if a party does not attend the hearing, the hearing may continue in their absence or the application may be dismissed.

Due to the Landlord advising of the cancellation of the 10 Day Notice at the outset of the hearing, no further testimony and evidence was taken.

In accordance with Section 55(1), an Order of Possession is granted to the Landlord if the tenant's application to cancel a notice is dismissed or the notice to end tenancy is upheld. However, during the hearing the Landlord confirmed that the 10 Day Notice has been cancelled and the tenancy will be continuing. As such, I find there is no 10 Day Notice in dispute.

This application is dismissed without leave to reapply.

### Conclusion

The Tenant's application is dismissed 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 *Residential Tenancy Act*.

Dated: July 09, 2018

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Residential Tenancy Branch