



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

This hearing dealt with an Application for Dispute Resolution (the “Application”) that was filed by the Tenant under the *Residential Tenancy Act* (the “Act”), seeking cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “10 Day Notice”).

I note that section 55 of the *Act* requires that when a tenant submits an Application 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 section 52 of the *Act*.

This matter was set for hearing by telephone conference call at 11:00 A.M. (Pacific Time) on October 11, 2018. Although the agent for the Landlord (the “Agent”) and I both attended the hearing on time and ready to proceed, the Tenant did not attend. The line remained open while the hearing was conducted for 16 minutes; however, neither the Applicant nor an agent acting on their behalf attended the hearing to provide any evidence or testimony for my consideration.

Rule 7.1 of the Residential Tenancy Branch Rules of Procedure (the “Rules of Procedure”) states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. As the Agent and I attended the hearing on time and ready to proceed and there was no evidence before me that the parties had agreed to reschedule or adjourn the matter, I commenced the hearing as scheduled at 11:00 A.M. on October 11, 2018. Rule 7.3 of the Rules of Procedure states that if a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to reapply. As the Tenant did not attend the hearing of their own Application, I therefore dismiss the Tenant’s Application pursuant to rule 7.3 of the Rules of Procedure without leave to reapply.

The Agent testified that the Tenant remains in possession of the rental unit and that he has not paid any rent for August, September, or October of 2018. As the Tenant’s Application was dismissed and the 10 Day Notice in the documentary evidence before

me complies with section 52 of the *Act*, I find that the Landlord is therefore entitled to an Order of Possession pursuant to section 55 of the *Act*. As the effective date of the 10 Day Notice has passed and the Tenant has not paid rent in several months, the Order of Possession will be effective two days after service on the Tenant.

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: October 11, 2018

Residential Tenancy Branch