



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPREIT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPRL, MNRL, FFL

Introduction

This hearing was scheduled for 9:30 a.m. on this date, via teleconference call, to deal with the landlord's application for an Order of Possession and Monetary Order for unpaid rent. The tenant appeared; however, there was no appearance on part of the landlord despite leaving the teleconference call open at least 20 minutes to allow the landlord the opportunity to attend the hearing.

The tenant testified that she received the Notice of Hearing and copies of Notices of Rent Increase in the package served upon her but that she did not receive all of the landlord's supporting documents such as the tenancy agreement.

The tenant testified that she has been requesting a copy of her tenancy agreement from the landlord so that she may apply for rent subsidy and the landlord has not provided it to her.

The tenant also testified that the other tenant named on the Notice of Hearing never signed the tenancy agreement and he no longer occupies the rental unit.

The tenant also testified that she received another 10 Day Notice to End Tenancy for Unpaid rent yesterday but that the amount indicated on the Notice is grossly inaccurate. I referred the tenant to the second page of the 10 Day Notice for more information with respect to disputing a 10 Day Notice and suggested she may contact the Residential Tenancy Branch office for more information.

Since the landlord did not appear at the hearing and demonstrate that all required documents were served upon the tenant(s) and did not prove that a valid and enforceable 10 Day Notice was served upon the tenant(s), I cancelled the 10 Day Notice.

The landlord's monetary claim is dismissed with leave to reapply. As such, if rent remains outstanding the landlord is at liberty to serve the tenant(s) with another 10 Day Notice and pursue the tenant(s) for any outstanding rent by way of another Application for Dispute Resolution.

Pursuant to the authority afforded me under section 62 of the Act, I further ORDER the LANDLORD to provide the tenant with a copy of the tenancy agreement within three (3) days of receiving this decision.

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: November 06, 2018

Residential Tenancy Branch