



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Code CNR

This hearing was convened as a result of the Tenant's Application for Dispute Resolution, made on October 22, 2018 (the "Application"). The Tenant applied for an order cancelling a 10 Day Notice to End Tenancy for Cause, dated October 9, 2018 (the "10 Day Notice"), pursuant to the *Residential Tenancy Act* (the "Act").

The Tenant attended the hearing and was accompanied by D.M., an advocate. Both the Tenant and D.M. provided a solemn affirmation. The Landlord did not attend the hearing.

The Tenant confirmed the Application package was not served on the Landlord. Further, D.M. advised that the Landlord preferred not to participate in the dispute resolution process, and that the parties were going to try to reach an agreement.

In addition, I note the Tenant's Application confirms the 10 Day Notice was received on October 9, 2018. Pursuant to section 46(4) of the *Act*, a tenant has 5 days after receipt to dispute the notice by filing an application for dispute resolution. However, the Tenant did not make the Application until October 22, 2018, 13 days after it was received. The Tenant was also out of time to make the Application.

As the Application package was not served on the Landlord and the Tenant was out of time to make the Application, I find the Tenant's Application is dismissed, without leave to reapply. However, as the Landlord did not attend, I decline to grant an order of possession to the Landlord, pursuant to section 55(1) of the *Act*.

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 30, 2018

Residential Tenancy Branch