



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, RP

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("Act") for:

- cancellation of the landlord's two 10 Day Notices to End Tenancy for Unpaid Rent or Utilities, both dated November 13, 2018 ("two 10 Day Notices"), pursuant to section 46; and
- an order requiring the landlord to make repairs to the rental unit, pursuant to section 33.

While the landlord attended the hearing by way of conference call, the applicant tenant did not, although I waited until 11:20 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 11:00 a.m.

The landlord confirmed receipt of the tenant's application for dispute resolution hearing package. In accordance with sections 89 and 90 of the *Act*, I find that the landlord was duly served with the tenant's application.

Rule 7.3 of the Residential Tenancy Branch ("RTB") *Rules of Procedure* provides as follows:

7.3 Consequences of not attending the hearing: 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 re-apply.

In the absence of any appearance by the tenant, I order the tenant's entire application dismissed without leave to reapply.

During the hearing, I informed the landlord that pursuant to section 55 of the *Act*, if I dismissed the tenant's application to cancel two 10 Day Notices, the landlord was entitled to an order of possession if the notices meet the requirements of section 52 of the *Act*.

I informed the landlord that she would be required to confirm the details on at least one of the two 10 Day Notices at the hearing, if she wanted to obtain an order of possession. During the hearing, the landlord had her son call her husband in order to obtain details about service of the landlord's written evidence to the tenant. The landlord was talking to her son during the hearing but was unable to provide the date and tracking number for the service of her evidence. She was also unable to confirm the details, including the date and effective move-out date, on one of the two 10 Day Notices, stating that she was not prepared for the hearing and it was her first time. She said that she did not know whether the tenant was still residing in the rental unit at the time of the hearing, as she had not checked. The landlord stated that she would file an application at the RTB in order to obtain an order of possession in the future, if necessary, because she was not prepared to go ahead with this hearing.

For the above reasons, I do not issue an order of possession to the landlord. I informed the landlord of this during the hearing. She confirmed her understanding of same.

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: December 27, 2018

Residential Tenancy Branch