



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, CNC, MNDCT, AAT, AS

Introduction

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

- cancellation of the landlords' 10 Day Notice to End Tenancy for Unpaid Rent or Utilities ("10 Day Notice"), pursuant to section 46;
- cancellation of the landlords' 1 Month Notice to End Tenancy for Cause ("1 Month Notice"), pursuant to section 47;
- a monetary order for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement, pursuant to section 67;
- an order to allow access to or from the rental unit or site for the tenant or the tenant's guests, pursuant to section 70; and
- an order allowing the tenant to assign or sublet because the landlords' permission has been unreasonably withheld, pursuant to section 65.

While the female landlord and her agent attended the hearing by way of conference call, the applicant tenant did not, although I waited until 11:10 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 11:00 a.m. The female landlord's agent confirmed that she had permission to represent the female landlord as an agent at this hearing.

The female landlord's agent 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 landlords were duly served with the tenants' application.

Pursuant to section 64(3)(c) of the *Act*, I amend the tenant's application to correct the spelling of the female landlord's first name. The female landlord consented to this amendment during the hearing.

Rule 7.3 of the Residential Tenancy Branch *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 female landlord's agent that pursuant to section 55 of the *Act*, if I dismissed the tenant's application to cancel a 10 Day Notice and a 1 Month Notice, the landlords were entitled to an order of possession if the notices met the requirements of section 52 of the *Act*. Neither party provided a copy of either notice.

The female landlord's agent stated that the female landlord did not require an order of possession because she had already obtained an order of possession against the tenant on January 29, 2019. For the above reason, I do not issue an order of possession to the landlords. I informed the female landlord's agent of this during the hearing.

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: February 19, 2019

Residential Tenancy Branch