



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR

### Introduction

This hearing dealt with an application by the tenants under the Residential Tenancy Act (the *Act*) for cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the "Ten-day Notice"). The tenants did not submit any evidence in support of their application.

The landlord's representative attended the hearing on behalf of the landlord but no one appeared on behalf of the tenants. I kept the teleconference line open from the time the hearing was scheduled, plus an additional ten minutes, to allow the tenants the opportunity to call. I confirmed the correct call in number and participant code for the hearing had been provided.

### Preliminary Matter: Non-Appearence of the Applicants

Rule 7.3 of the 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 reapply.

As the applicants did not attend the hearing and in the absence of any evidence or submissions, I order the application be dismissed without leave to reapply.

Section 55 of the *Act* states that when a tenant submits an application for dispute resolution seeking to cancel a notice to end tenancy issued by a landlord, the landlord is entitled to an order of possession if the application is dismissed and the landlord has

issued a notice to end tenancy in compliance with the *Act*. In this matter, although the tenant's application to cancel the Ten-Day Notice has been dismissed, I am unable to issue an order for possession under section 55 because a copy of the Ten-Day Notice has not been submitted as evidence. Without reviewing the Ten-Day Notice, I am unable to determine whether the form and content of the Ten-Day notices complies with section 52 of the *Act*. Accordingly, I am unable to grant an order of possession and this tenancy shall continue.

### Conclusion

This application is dismissed without leave to reapply. As no copy of the Ten-Day Notice was before me, I find this tenancy shall continue until it is ended in accordance with 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: March 1, 2019

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Residential Tenancy Branch