



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding BROWN BROS.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, ERP, RP

Introduction

On April 10, 2019 the Tenant submitted an Application for Dispute Resolution (the "Application"), seeking relief pursuant to the *Residential Tenancy Act* (the "Act") for the following:

- an order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities; dated April 4, 2019 (the "10 Day Notice");
- an order for emergency repairs; and
- an order for regular repairs;

The hearing was scheduled for 11:00 A.M. on May 24, 2019 as a teleconference hearing. Only the Landlord's Agent appeared at the hearing. No one called in for the Tenant. The conference call line remained open and was monitored for 10 minutes before the call ended. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the Respondent and I were the only persons who had called into this teleconference.

Therefore, as no one attended the hearing for the Tenant by 11:10 A.M., I dismiss the Tenant's claims without leave to reapply.

I note that Section 55 of the *Act* requires that when a tenant submits an Application seeking to cancel a Notice to End Tenancy issued by a landlord, I must consider if the landlord is entitled to an Order of Possession if the Application is dismissed and the landlord has issued a Notice to End Tenancy that is compliant with section 52 of the *Act*.

The Landlord's Agent confirmed that the Tenant has since vacated the rental unit; therefore, the Landlord is no longer seeking an order of possession in relation to the 10 Day Notice.

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: May 24, 2019

Residential Tenancy Branch