



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SINCERE REAL ESTATE SERVICE LTD. and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR ERP LRE OLC

Introduction

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

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;
- an order that the landlord perform emergency repairs pursuant to section 33;
- an order restricting the landlord's right to enter the rental suite pursuant to section 70; and
- an order that the landlord comply with the Act, regulations or tenancy agreement pursuant to section 62.

This matter was set for hearing by telephone conference call at 9:30 am on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the agent for the corporate respondent.

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.

Therefore, as the applicant did not attend the hearing by 9:40 am, and the respondent appeared and was ready to proceed, I dismiss the tenants' claim without leave to reapply.

Section 55 of the *Act* provides that:

If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director ***must*** grant to the landlord an order of possession of the rental unit if

- (a) the landlord's notice to end tenancy complies with section 52 [form and content of notice to end tenancy], and
- (b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

The parties did not provide a copy of a 10 Day Notice into documentary evidence. The only notice submitted is the first page of a 1 Month Notice to End Tenancy for Cause. As neither party provided a copy of a 10 Day Notice into documentary evidence I am unable to make a determination on whether the notice complies with the form and content requirements of the Act. Therefore, I decline to issue an Order of Possession.

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 31, 2019

Residential Tenancy Branch