



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      ERP, MNDC, OLC, CNR

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;
- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- an order to the landlord to make emergency repairs to the rental unit pursuant to section 33.

This matter was set for a conference call hearing at 9:30 a.m. on this date. The tenant did not attend or submit any documentary evidence. The landlord attended the hearing via conference call and provided testimony. The landlord did not submit any documentary evidence. The landlords confirmed that they were served with the tenant's application for dispute, the amendment to the application for dispute and that they were aware of the listed issue(s).

I waited until 11 minutes past the start of the scheduled hearing time in order to enable both parties to connect with this teleconference hearing. The hearing began in the absence of the tenant.

Rule 7 of the Rules of Procedure provides that:

### **7.1 Commencement of the dispute resolution hearing**

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

### **7.2 Delay in the start of a hearing**

In the event of a delay of a start of a conference call hearing, each party must stay available on the line to commence the hearing for 30 minutes after the time scheduled for the start of the hearing.

In the event of a delay of a face-to-face hearing, unless otherwise advised, the parties must remain available to commence the hearing at the hearing location for 30 minutes after the time scheduled for the start of the hearing.

**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.

**7.4 Evidence must be presented**

Evidence must be presented by the party who submitted it, or by the party's agent.

If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

At 25 minutes past the start of the scheduled hearing time, the tenant still had not attended. Extensive discussions with the landlord were difficult as the landlord's command of the English language was "not so good" as per the landlord. Repeated attempts at communicating with the landlord were ineffective.

Accordingly, in the absence of any evidence or submissions from the tenant and in the absence of the tenant's participation in this hearing, I order the original application dismissed without leave to reapply. I make no findings on the merits of the matter. The landlord stated that he understood that the tenant's application was dismissed and required no further action.

Although the landlord attended in response to the tenant's amendment to the application for dispute, the landlord was unprepared to speak to the 10 Day Notice to End Tenancy for Unpaid Rent dated June 2, 2019. The landlord stated that he did not have a copy of the 10 Day Notice and was not able to provide any details about the notice. As such, I make no findings on the merits of the 10 Day Notice dated June 2, 2019 and dismiss the tenant's application with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

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: June 20, 2019