



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding CAPREIT LIMITED PARTNERSHIP  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC CNR OLC

### Introduction

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

- cancellation of the 10 Day Notice to End Tenancy for Unpaid Rent (10 Day Notice), pursuant to section 46 of the *Act*;
- cancellation of the One Month Notice to End Tenancy for Cause (One Month Notice) pursuant to section 47 of the *Act*; and
- an Order for the landlord to comply with the *Act*, regulation, and/or tenancy agreement pursuant to section 62 of the *Act*.

The landlord's agent B.K. attended on behalf of the corporate landlord who was the respondent in this matter, at the date and time set for the hearing of this matter.

The landlord's agent B.K. requested to amend the application to correctly name the corporate landlord as the landlord in this matter, which I note was provided on the 10 Day Notice and the One Month Notice submitted into evidence by the tenant. Pursuant to my authority under section 64(3)(c) of the *Act*, I amended the tenant's Application to provide the correct legal name of the corporate landlord.

The tenant, who was the applicant in this matter, did not attend this hearing, although I left the teleconference hearing connection open until 11:10 a.m. in order to enable the tenant to call into this teleconference hearing scheduled for 11:00 a.m. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding. I also confirmed from the teleconference system that the landlord's agent and I were the only ones who had called into this teleconference.

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.

Accordingly, in the absence of the tenant's attendance at the hearing in this matter, I order the tenant's application in its entirety dismissed without liberty to reapply.

The landlord's agent confirmed that the tenant had vacated the rental unit July 1, 2019, therefore the landlord's agent stated that the landlord did not require an Order of Possession.

Issue(s) to be Decided

Should the landlord's 10 Day Notice and One Month Notice be cancelled? If not, is the landlord entitled to an Order of Possession?

Should the landlord be ordered to comply with the *Act*, regulations or tenancy agreement?

Conclusion

The tenant's application for dispute resolution filed June 10, 2019 is dismissed in its entirety without leave to reapply.

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: July 18, 2019

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Residential Tenancy Branch