



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR MT MNDCT PSF RP FFT

### 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*;
- more time to make an application to cancel a notice to end tenancy, pursuant to section 66 of the *Act*;
- a monetary order for damage or compensation pursuant to section 67 of the *Act*;
- an Order that the landlord provide services or facilities required by the tenancy agreement or the *Act* pursuant to section 62 of the *Act*;
- an Order that the landlord make repairs pursuant to section 62 of the *Act*; and
- recovery of the filing fee from the landlord pursuant to section 72 of the *Act*.

The landlord attended at the date and time set for the hearing of this matter.

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.

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 confirmed that the tenant had vacated the rental unit July 12, 2019. Further to this, the landlord explained that he had obtained an Order of Possession and Monetary Order against the tenant through a prior ex-parte dispute resolution proceeding on June 27, 2019 (file number noted on the cover sheet of this Decision). Therefore, the landlord testified that he did not require an Order of Possession through this hearing.

#### Issue(s) to be Decided

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

Should the tenant be granted more time to apply to cancel the 10 Day Notice?

Is the tenant entitled to any monetary compensation for damage or loss?

Should the landlord be ordered to provide services or facilities required by the *Act*, regulations or tenancy agreement?

Should the landlord be ordered to make repairs?

Is the tenant entitled to recover the cost of the filing fee?

#### Conclusion

The tenant's application for dispute resolution 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 25, 2019

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Residential Tenancy Branch