



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding BC HOUSING MANAGEMENT  
COMMISSION and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNR

### Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Tenant on July 17, 2019 (the "Application"). The Tenant applied to dispute a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated July 11, 2019.

The Tenant did not appear at the hearing. The Agent for the Landlord did appear.

I waited 10 minutes, until 11:10 a.m., to allow the Tenant to participate in this hearing scheduled for 11:00 a.m. The Tenant did not call into the hearing.

Rule 7.3 of the Rules of Procedure states that an arbitrator can dismiss an application without leave to re-apply if a party fails to attend the hearing.

Here, the Tenant did not attend the hearing to provide evidence or a basis for the Application. In the absence of evidence from the Tenant, the Application is dismissed without leave to re-apply.

Section 55 of the *Residential Tenancy Act* (the "*Act*") requires an arbitrator to issue the Landlord an order of possession when a tenant disputes a notice to end tenancy, the dispute is dismissed or the notice is upheld and the notice complies with section 52 of the *Act*.

However, the Agent for the Landlord advised that the Landlord is not seeking an Order of Possession for the rental unit as the parties have come to an agreement about continuing the tenancy. Given this, I decline to issue the Landlord an Order of Possession under section 55 of the *Act*.

Conclusion

The Application is dismissed without leave to re-apply.

I decline to issue the Landlord an Order of Possession pursuant to section 55 of the *Act* as the Landlord is not seeking an Order of Possession based on the 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 *Act*.

Dated: September 20, 2019

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Residential Tenancy Branch