



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FFT, LRE, OLC, RP

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 requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62;
- an order to the landlord to make repairs to the rental unit pursuant to section 33;
- an order to allow access to or from the rental unit or site for the tenant or the tenant's guests pursuant to section 70; and
- authorization to recover his filing fee for this application from the landlord pursuant to section 72.

The landlord participated in the teleconference, the tenant did not. At the outset of the hearing the landlord advised that they were not in a position to provide sufficient evidence to support the issuance of the notice to end tenancy and no longer wish to enforce the notice issued on July 6, 2019, accordingly; the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities is cancelled and of no effect, the tenancy continues.

I address the tenants non-attendance as follows:

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 re-apply.

As the tenant is the applicant and they chose not to participate in this hearing, I hereby dismiss the remainder of their application without leave to reapply.

Conclusion

The 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated July 6, 2019 is cancelled, the tenancy continues. The remainder of the tenants application is dismissed 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: September 17, 2019

Residential Tenancy Branch