



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNE, CNR, MNDCT, MT

Introduction

This teleconference hearing was scheduled in response to an application by the Tenant under the *Residential Tenancy Act* (the “Act”) to cancel a One Month Notice to End Tenancy for End of Employment (the “One Month Notice”), to cancel a 10 Day Notice to End Tenancy for Unpaid Rent (the “10 Day Notice”), for monetary compensation, and for an extension of time to dispute the notices.

An agent for the Landlord (the “Landlord”) was present for the teleconference hearing, while no one called in for the Tenant during the 10 minutes that the phone line was monitored.

The Landlord was affirmed to be truthful in his testimony and confirmed receipt of the Notice of Dispute Resolution Proceeding package and a copy of the amendment in which the Tenant added the monetary claim.

Preliminary Matters

The agent present at the hearing confirmed that he is an agent and not the Landlord. As he was named as one of the Landlords on the Application for Dispute Resolution, this was amended to name the corporate Landlord as the respondent. This amendment was made pursuant to Section 64(3)(c) of the *Act*.

As stated by rule 7.3 of the *Residential Tenancy Branch Rules of Procedure*, if a party does not attend the hearing, the hearing may continue, or the application may be dismissed. As the Tenant did not attend the hearing based on their application, the application is dismissed, without leave to reapply. However, the hearing continued to

determine whether the Landlord is entitled to an Order of Possession on the One Month Notice or 10 Day Notice.

Issues to be Decided

Is the Landlord entitled to an Order of Possession?

Background and Evidence

The Landlord testified that they received an Order of Possession through the direct request process and that the Tenant moved out of the rental unit on September 5 or September 6, 2019. As such, the Landlord confirmed that they are not seeking an Order of Possession as the tenancy has already ended.

Analysis

As stated in Section 55 of the *Act*, when a tenant's application to dispute a notice to end tenancy is dismissed, the Landlord is entitled to an Order of Possession. However, I accept the testimony of the Landlord that the tenancy has ended. Therefore, I do not find it necessary to issue an Order of Possession.

Conclusion

The Tenant's Application for Dispute Resolution 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: October 01, 2019

Residential Tenancy Branch