



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OLC, RP

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Tenant on August 15, 2019 (the "Application"). The Tenant applied as follows:

- To dispute a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities;
- For an order that the Landlord comply with the Act, regulation and/or the tenancy agreement; and
- For an order that repairs be made to the unit or property.

The Landlord appeared at the hearing. The Tenant did not appear. I waited 10 minutes to allow the Tenant to call into the hearing; however, the Tenant did not do so.

The Landlord provided her full legal name which is reflected in the style of cause.

The Landlord advised that the Tenant vacated the rental unit September 02, 2019. She also advised that she received an Order of Possession in relation to the Tenant and rental unit on File Number 1. For these reasons, the Landlord did not seek an Order of Possession.

Rule 7.3 of the Rules of Procedure states:

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.

Here, the Tenant failed to attend the hearing and provide a basis for, or evidence regarding, the Application. In the absence of evidence from the Tenant, the Application is dismissed without leave to re-apply.

Section 55(1) of the *Residential Tenancy Act* (the “*Act*”) requires an arbitrator to issue an Order of Possession when a tenant applies to dispute a notice to end tenancy, the application is dismissed and the notice complies with section 52 of the *Act*.

However, here the Landlord did not seek an Order of Possession for the rental unit as the Tenant has vacated and the Landlord received an Order of Possession on File Number 1. Therefore, I have not considered whether an Order of Possession should be issued pursuant to section 55 of the *Act*.

Conclusion

The Application is dismissed without leave to re-apply.

The Landlord did not seek an Order of Possession and therefore I have not considered whether the Landlord is entitled to one under section 55 of the *Act*.

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: October 18, 2019

Residential Tenancy Branch