



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR LAT LRE MNDCT MT OLC

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 (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 compensation for damage or loss under the *Act*, regulation or tenancy agreement, pursuant to section 67 of the *Act*;
- an Order that the landlord's right to enter be suspended or restricted, pursuant to section 70 of the *Act*;
- an Order for the landlord to comply with the *Act*, regulation, and/or the tenancy agreement pursuant to section 62 of the *Act*; and
- lock change authorization for the tenant pursuant to section 31 of the *Act*.

The landlord attended at the date and time set for the hearing of this matter. The landlord stated that she was never served with any notice of this hearing or the tenant's Application for Dispute Resolution by the tenant. The landlord filed an Application for Dispute Resolution against the tenant (file number noted on the cover sheet of this Decision) and only incidentally found out about this hearing when she contacted the Residential Tenancy Branch about her Application.

The tenant, who was the applicant in this matter, did not attend this hearing, although I left the teleconference hearing connection open until 11:12 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

Hearing. I also confirmed from the teleconference system that the landlord and I were the only ones who had called into this teleconference.

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.

Accordingly, in the absence of any testimony from the tenant who was the applicant in this matter, I order the tenant's application, in its entirety, dismissed without liberty to reapply.

In this matter, neither party uploaded any evidence, and as such, a copy of the landlord's 10 Day Notice was not before me to review in consideration of the provisions of section 55 of the *Act* which provide the landlord an opportunity to obtain an Order of Possession in the event a tenant's application to dispute a notice to end tenancy is dismissed. Therefore, I find that the landlord is unable to obtain an Order of Possession through this Application.

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: November 05, 2019

Residential Tenancy Branch