



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT CNR OLC LRE

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- more time to make an application to cancel the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 66;
- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent pursuant to section 46;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- authorization to change the locks and/or to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70.

While the respondent attended the hearing by way of conference call, the applicant did not, although I waited until 10:00 a.m. in order to enable the applicant to connect with this teleconference hearing scheduled for 9:30 a.m. The applicant should have been aware of the hearing date, time and call in instructions as this dispute was initiated by the applicant and the applicant was required to serve a copy of the notice of hearing on the respondent.

Accordingly, in the absence of the applicant's participation in this hearing, I order the application dismissed without leave to reapply. In the normal course, if a tenant's application to cancel a 10 Day Notice is dismissed, the landlord may be granted an order of possession pursuant to section 55 of the Act. However, in this case, prior to the tenant's application, the landlord had filed an application for an order of possession based upon the same 10 Day Notice. In a decision dated January 3, 2020, the landlord was granted an order of possession. The tenant subsequently successfully appealed that decision and the original decision and orders were suspended pending the outcome of a Review Hearing scheduled to be heard on March 16, 2020. As the matter relating to the 10-day Notice and an order of possession has been decided upon and suspended

pending the review hearing, I declined to award the landlord an order of possession by way of this tenant's application.

Conclusion

The application 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: March 06, 2020

Residential Tenancy Branch