



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR

### Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution, filed on March 1, 2020, wherein the Tenant sought to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, issued on March 6, 2020.

The hearing of the Tenant's Application was scheduled for 9:30 a.m. on May 7, 2020. Only the Landlord called into the hearing. He gave affirmed testimony and was provided the opportunity to present evidence in support of the Notice orally and to make submissions to me.

The Tenant did not call into this hearing, although I left the teleconference hearing connection open until 10:03 a.m. Additionally, 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.

### Analysis and Conclusion

Rules 7.1 and 7.3 of the *Residential Tenancy Branch Rules of Procedure* provide as follows:

#### **Commencement of Hearing:**

The hearing must commence at the scheduled time unless otherwise decided by the arbitrator.

#### **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 Applicant Tenant did not attend the hearing, and the Respondent Landlord appeared and was ready to proceed, I dismiss the Tenant's claim without leave to reapply. This includes dismissing his request that I cancel the Notice. As such, the tenancy shall end in accordance with the Notice.

Section 55 of the *Residential Tenancy Act* provides in part as follows:

**Order of possession for the landlord**

**55** (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant to the landlord an order of possession of the rental unit if

(a) the landlord's notice to end tenancy complies with section 52 [*form and content of notice to end tenancy*], and

(b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

The Tenant failed to file any evidence in support of their claim and failed to provide a copy of the Notice. The Tenant also failed to attend the hearing and provided testimony and submissions on his behalf.

During the hearing I received oral testimony from the Landlord with respect to the Notice. I also gave the Landlord permission to upload a copy of the Notice to the online service portal. The Landlord provide a copy of the Notice shortly after the hearing concluded.

I have reviewed the Notice and confirm it complies with section 52 of the *Residential Tenancy Act* with respect to form and content. Consequently, and as I have dismissed the Tenant's claim, **the Landlord is entitled to an Order of Possession effective two days after service.**

I also accept the Landlord's evidence that the Tenant has failed to pay rent for February, March, April and May 2020. As such, I find the Landlord has grounds to end this tenancy pursuant to sections 26 and 46 of the *Residential Tenancy Act*.

This Decision is final and binding on the parties, except as otherwise provided under the Act, and 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: May 07, 2020

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Residential Tenancy Branch