



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **MNRT, MNDCT, CNR, RR, RP, PSF, OLC, FFT**

### Introduction

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

- A monetary award for damages and loss pursuant to section 67;
- Cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent (the "10 Day Notice") pursuant to section 46;
- Authorization to reduce rent pursuant to section 65;
- An order that the landlord perform repairs pursuant to section 33;
- An order that the landlord provide services or facilities pursuant to section 65;
- An order that the landlord comply pursuant to section 62; and
- Authorization to recover the filing fee from the landlord pursuant to section 72.

This matter was set for hearing by telephone conference call at 9:30 am. on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the respondent.

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 reapply.

Therefore, as the applicant did not attend the hearing by 9:40 am, and the respondent appeared and was ready to proceed, I dismiss the claim, in its entirety, without leave to reapply.

While I have dismissed the tenant's application to cancel the 10 Day Notice, the landlord testified that this tenancy will end by way of a mutual agreement recorded on September 10, 2020 under the file number on the first page of this decision. As such, I decline to issue an additional Order of Possession.

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: September 14, 2020

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Residential Tenancy Branch