



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, PSF

Introduction and Preliminary Matters

This hearing convened as a result of a Tenant's Application for Dispute Resolution, filed on November 6, 2020, wherein the Tenant sought an Order canceling a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, issued on November 5, 2020 (the "Notice"), as well as an Order that the Landlord provide services or facilities.

Hearings before the Residential Tenancy Branch are conducted in accordance with the *Residential Tenancy Branch Rules of Procedure* (the "*Rules*"). *Rule 4.2* of the *Rules* allows me to amend an Application for Dispute Resolution in circumstances where the amendment might reasonably have been anticipated. The authority to amend is also provided for in section 64(3)(c) of the *Residential Tenancy Act* (the "*Act*") which allows an Arbitrator to amend an Application for Dispute Resolution.

On the Application the Tenant named the property manager, C.B., as Landlord. A review of the tenancy agreement confirms the Landlord is a corporate entity. I therefore Amend the Tenant's Application to correctly name the Landlord.

The hearing of the Tenant's Application was scheduled for teleconference at 11:00 a.m. on January 29, 2021. Only the Landlord's representatives, C.B. and J.M. called into the hearing.

Analysis and Conclusion

The Tenant did not attend this hearing, although I left the teleconference hearing connection open until 11:12 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's representatives and I were the only ones who had called into this teleconference.

Rules 7.1 and 7.3 of the *Rules* 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 Landlord's representatives appeared and were ready to proceed, **I dismiss the Tenant's claim without leave to reapply.** This includes dismissing her 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.

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

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 *Act*.

Dated: January 29, 2021

Residential Tenancy Branch