



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OLC, LRE, LAT, DRI

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution, made on December 18, 2020 (the "Application"). The Tenant applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- to cancel a One Month Notice to End Tenancy dated December 10, 2020 ("the One Month Notice");
- an order that the Landlord comply with the Act;
- an order restricting or suspending the Landlord's right to enter the rental unit;
- an order authorizing the Tenant to change the lock to the rental unit; and
- to dispute a rent increase.

The hearing was scheduled for 11:00 AM on March 18, 2021 as a teleconference hearing. The Tenant attended the hearing at the appointed date and time. No one appeared for the Landlord. The conference call line remained open and was monitored for 10 minutes before the call ended. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the Tenant and I were the only persons who had called into this teleconference.

The Tenant testified that Application and documentary evidence package was served to the Landlord by registered mail. A copy of the Canada Post registered mail receipt was submitted confirming the mailing took place on January 4, 2021. Based on the oral and written submissions of the Applicant, and in accordance with sections 89 and 90 of the *Act*, I find that the Landlord is deemed to have been served with the Application and documentary evidence on January 9, 2021, the fifth day after the registered mailing. The Landlord did not submit documentary evidence in response to the Application.

The Tenant was given an opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Preliminary Matters

The Residential Tenancy Branch Rules of Procedure permit an Arbitrator the discretion to dismiss unrelated claims with or without leave to reapply. For example, if a party has applied to cancel a notice to end tenancy, or is applying for an order of possession, an Arbitrator may decline to hear other claims that have been included in the application and the Arbitrator may dismiss such matters with or without leave to reapply.

I find that the most important issue to determine is whether or not the tenancy is ending based on the One Month Notice. The Tenant's request for an order that the Landlord comply with the Act, an order restricting or suspending the Landlord's right to enter the rental unit, an order authorizing the Tenant to change the lock to the rental unit, and to dispute a rent increase are dismissed with leave to reapply.

I note that Section 55 of the *Act* requires that when a Tenant submits an Application for Dispute Resolution seeking to cancel a notice to end tenancy issued by a Landlord I must consider if the Landlord is entitled to an order of possession if the Application is dismissed and the Landlord has issued a notice to end tenancy that is compliant with the *Act*.

As no one attended the hearing for the Landlord to enforce the One Month Notice, I therefore cancel the One Month Notice dated December 10, 2020. The Tenant's Application is successful, I order the tenancy continue until it is ended in accordance with the *Act*.

Conclusion

No one attended the hearing for the Landlord. As such, the Tenant's Application is successful. The One Month Notice issued by the Landlord dated December 10, 2020 is cancelled. The tenancy will continue until ended in accordance with the *Act*.

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 18, 2021

Residential Tenancy Branch