



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, CNC

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution, filed on December 11, 2020, wherein the Tenant sought to cancel a 1 Month Notice to End Tenancy for Cause served on December 6, 2020 (the "1 Month Notice") and to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities issued on February 1, 2021 (the "10 Day Notice").

The hearing of the Tenant's Application was scheduled for 9:30 a.m. on March 9, 2021. The line remained open while the phone system was monitored for sixteen minutes and the only participant who called into the hearing during this time was the Respondent Landlord. The Tenant did not attend this hearing, although I left the teleconference hearing connection open until 9:46 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 and I were the only ones who had called into this teleconference.

Analysis and Conclusion

Hearings before the Residential Tenancy Branch are conducted in accordance with the *Residential Tenancy Branch Rules of Procedure*. *Rules 7.1, 7.3 and 7.4* address the requirement of a party to call into the teleconference hearing and read as follows:

7.1 Commencement of Hearing

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

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 re-apply.

7.4 Evidence must be presented

Evidence must be presented by the party who submitted it, or by the party's agent. If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

As the Tenant did not call into the hearing by 9:46 a.m., and the Landlord appeared and was ready to proceed, **I dismiss the Tenant's claim without leave to reapply.**

The Tenant failed to submit a copy of the 1 Month Notice and the 10 Day Notice in evidence before me, although required to do so pursuant to *Rule 2.5* of the *Residential Tenancy Branch Rules of Procedure*. During the hearing the Landlord testified that she did not retain a copy of the 1 Month Notice, however, she did have a copy of the 10 Day Notice. She then provided testimony to me with respect to the contents of the 10 Day Notice. I also authorized the Landlord to submit a copy of the 10 Day Notice to the Residential Tenancy Branch online service portal. I confirm she provided such a copy on March 9, 2021 and I reviewed the 10 Day Notice in making this my Decision.

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

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 10 Day Notice and confirm it complies with section 52 of the *Act*. As I have dismissed the Tenant's Application to cancel the 10 Day Notice, I grant the Landlord an Order of Possession effective **two days** after service upon the Tenant. This Order must be served on the Tenant and may be enforced in the Supreme Court of British Columbia.

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: March 10, 2021

Residential Tenancy Branch