



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OLC, MNRT, MNDCT, RP, RR, LRE, PSF, LAT,

Introduction

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

- cancellation of the landlord's Ten Day Notice to End Tenancy for Unpaid Rent or Utilities ("10 Day Notice"), pursuant to section 46;
- an order requiring the landlord to comply with the *Act*, *Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement, pursuant to section 62;
- a monetary order for the cost of emergency repairs and for compensation for damage or loss under the *Act*, *Regulation* or tenancy agreement, pursuant to section 67;
- an order requiring the landlord to complete repairs to the rental unit, pursuant to section 33;
- an order allowing the tenant to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65;
- an order restricting the landlord's right to enter the rental unit, pursuant to section 70;
- an order requiring the landlord to provide services or facilities required by law, pursuant to section 65; and
- authorization to change the locks to the rental unit, pursuant to section 70.

While the respondent landlord and his agent attended the hearing by way of conference call, the applicant tenant did not, although I waited until 11:11 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 11:00 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, the landlord's agent and I were the only people who called into this teleconference.

The landlord and his agent were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord confirmed that his numbered company owned the rental unit. He confirmed that his agent, who is his wife and a co-owner, had permission to speak on his behalf at this hearing.

At the outset of the hearing, I informed the landlord and his agent that they were not permitted to record the hearing, as per Rule 6.11 of the Residential Tenancy Branch ("RTB") *Rules of Procedure*. During the hearing, the landlord and his agent both affirmed under oath that they were not recording the hearing.

The landlord stated that he did not receive a copy of the tenant's application for dispute resolution hearing package. He said that he found out about the hearing when he called into the RTB. He said that he was sent a courtesy copy of the notice of hearing from the RTB.

Preliminary Issue – Dismissal of Tenant's Application

Rule 7.3 of the RTB *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 re-apply.

In the absence of any appearance by the tenant, I order the tenant's entire application dismissed without leave to reapply.

Analysis

Pursuant to section 55 of the *Act*, if I dismiss the tenant's application to cancel a 10 Day Notice, the landlord is entitled to an order of possession, provided that the notice meets the requirements of section 52 of the *Act*.

The landlord stated that he did not require an order of possession against the tenant because the tenant already vacated the rental unit, pursuant to a previous RTB order of possession and bailiff removal on March 1, 2021.

I notified the landlord that I would not issue an order of possession to him, against the tenant. The landlord confirmed his understanding of and agreement to same.

Conclusion

The tenant's entire application is dismissed without leave to reapply.

The landlord is not entitled to an order of possession against the tenant.

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: May 10, 2021

Residential Tenancy Branch