



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR OLC LRE LAT

### Introduction

This hearing dealt with an Application for Dispute Resolution (application) by the tenant seeking remedy under the *Residential Tenancy Act* (Act) to cancel a 10 Day Notice to end Tenancy For Unpaid Rent or Utilities (10 Day Notice), for an order directing the landlord to comply with the Act, regulation or tenancy agreement, for an order to suspend or set conditions on the landlord's right to enter the rental unit, and for authorization to change the locks to the rental unit.

The tenant was provided with a copy of the Notice of a Dispute Resolution Proceeding dated May 4, 2021 (Notice of Hearing) when they made their application. The tenant, however, did not attend the hearing set for this date, July 5, 2021 at 11:00 a.m. Pacific Standard Time. The phone line remained open for 11 minutes and was monitored throughout this time. The only person to call into the hearing was the agent for the landlord, AR (agent).

The agent testified that since being served with the 10 Day Notice, the tenant has paid the rent arrears. The agent also stated that the landlord is not seeking an order of possession.

### Analysis

Residential Tenancy Branch (RTB) Rules of Procedure (Rules) 7.1 and 7.3 apply and state:

#### **7.1 Commencement of the dispute resolution hearing**

The dispute resolution hearing will commence at the scheduled time unless otherwise set 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.

Given the above and following the 10-minute waiting period, the application of the tenant was **dismissed without leave to reapply**. This decision does not extend any applicable time limits under the Act. The respondent attended the hearing, yet the applicant tenant did not attend the hearing to present the merits of their application.

The filing fee was waived for this application.

### Conclusion

The application is dismissed in full without leave to reapply.

The landlord is not seeking an order of possession and confirmed that rent arrears have since been paid since serving the 10 Day Notice.

This decision will be emailed to both parties at the email addresses provided in the tenant's application and confirmed by the agent during the hearing.

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: July 5, 2021

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Residential Tenancy Branch