



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OLC

Introduction

This hearing dealt with two Applications for Dispute Resolution file by the tenant under the Residential Tenancy Act. The first application was filed on June 10, 2021, to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities. The second application was file on July 4, 2021, to have the landlord comply with the Act.

Only the landlord appeared. The landlord stated that they were not served with either application file by the tenant and only became aware of this matter when they received an email notification from the Residential Tenancy Branch. The landlord stated that they contacted the RTB on August 30, 2021 and were given the dial information for this hearing. The landlord stated that it is contrary to the Residential Tenancy Act when a party is not served with the Application for Dispute Resolution and Notice of Hearing.

The landlord stated that they do not know why the tenant would dispute the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, as they had paid their rent within 5 days of receiving the notice to end tenancy, automatically cancelling the notice to end tenancy.

In this case, the tenant is seeking cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities; however, as rent was paid within 5 days there was no need for the tenant to make that application. Therefore, I dismiss this portion of the tenant's claim.

This matter was set for hearing by telephone conference call at 9:30 A.M on this date. The landlord appeared.

As the tenant has failed to attend the hearing by 9:42 AM, to prove they served the landlord with their application for dispute resolution to have the landlord comply with the Act, or any testimony in support of their application. I dismiss the tenant's application without leave to reapply.

Conclusion

The tenant's applications are dismissed without leave to reapply.

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: September 07, 2021

Residential Tenancy Branch