



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding GUPBARB GROUPS HOLDING  
LTD and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC-MT

### Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution, filed June 4, 2021, wherein the Tenant sought an Order canceling a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities issued on May 21, 2021 (the "Notice") as well as more time to make such an application.

The matter was set for hearing by telephone conference call at 1:30 p.m. on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the Landlord's representatives, J.S., the Building Manager, and K.S. the Agent for the new owners of the property.

The Tenant did not attend this hearing, although I left the teleconference hearing connection open until 1:40 p.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's representatives and I were the only ones who had called into this teleconference.

### Preliminary Matter—Landlord's Name

Hearings before the Residential Tenancy Branch are conducted in accordance with the *Residential Tenancy Branch Rules of Procedure*. Rule 4.2 of the *Rules* allows me to amend an Application for Dispute Resolution in circumstances where the amendment might reasonably have been anticipated. The authority to amend is also provided for in section 64(3)(c) of the *Act* which allows an Arbitrator to amend an Application for Dispute Resolution.

On the Application the Tenant named the former property manager, G.R., as Landlord.

J.S. confirmed that the Landlord is a corporate entity as indicated on the Notice. J.S. further confirmed that he took over managing the building from G.R. I therefore Amend the Tenant's Application to correctly name the Landlord.

### Analysis and Conclusion

Rules 7.1 and 7.3 of the *Residential Tenancy Branch Rules of Procedure* provide as follows:

#### **Commencement of Hearing:**

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

#### **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.

As the Tenant did not attend the hearing, and the Landlord's representatives appeared and were ready to proceed, **I dismiss the Tenant's claim without leave to reapply.** This includes dismissing their request that I cancel the Notice. **As such, the tenancy shall end in accordance with the Notice.**

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

#### **Order of possession for the landlord**

**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 Notice and confirm it complies with section 52 of the *Act*. Consequently, and as I have dismissed the Tenant's claim, **the Landlord is entitled to an Order of Possession effective two days after service.**

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: October 05, 2021

---

Residential Tenancy Branch