



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL-MT, CNC, CNL-4M, MNDCT, MNRT, RR, AAT, PSF, LRE, OLC, CNR, RP

Introduction

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

- more time to make an application to cancel the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 66;
- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;
- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47;
- cancellation of the landlord's 2 Month Notice to End Tenancy for Landlord's Use of Property (the 2 Month Notice) pursuant to section 49;
- a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67;
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62;
- an order to the landlord to make repairs to the rental unit pursuant to section 33;
- an order to allow the tenant(s) to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65;
- an order to the landlord to provide services or facilities required by law pursuant to section 65;
- an order to suspend or set conditions on the landlord's right to enter the rental unit pursuant to section 70; and
- an order to allow access to or from the rental unit or site for the tenant or the tenant's guests pursuant to section 70.

This matter was scheduled for a conference call at 11:00 a.m. on this date. The landlord's sister and the landlords legal counsel participated in the teleconference, the tenant did not. AS has been appointed by the landlord to represent her by way of a Power of Attorney. Counsel for the landlord advised that they had not received any documentary evidence from the tenant. I waited until 11:15 a.m. to enable the tenant to participate in this scheduled hearing for 11:00 a.m. The landlords were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

Preliminary Issue- Notices to End Tenancy

As part of the tenant's application, they "checked off" that they wish to dispute several notices to end tenancy, however, the "notices" they referred to in their applications and the evidence submitted to the Branch were text message threads and communication, not an actual notice to end tenancy in an approved form as required by section 52 of the Act, accordingly; I dismiss that portion of their application without leave to reapply.

Rule 7.3 of the 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. The hearing proceeded and completed on this date.

The tenant initiated this process by filing two applications and serving the landlord notice of this hearing. I am satisfied that the tenant was fully aware of today's hearing but chose not to dial in. Based on the nonattendance of the applicant, I hereby dismiss the tenant's application in its entirety without leave to reapply.

Conclusion

The tenant's applications are dismissed in their entirety 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: November 18, 2021

Residential Tenancy Branch