



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

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

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent or Utilities ("10 Day Notice"), pursuant to section 46.

The tenant did not attend this hearing, which lasted approximately 12 minutes. The landlord and her agent attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The hearing began at 9:30 a.m. and ended at 9:42 a.m. I monitored the teleconference line throughout this hearing. 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, her agent and I were the only people who called into this teleconference.

The landlord confirmed the rental unit address and provided an email address for me to send a copy of this decision to her after the hearing. The landlord confirmed that she was the resident manager and the landlord's agent said that he was the property manager. The landlord confirmed that she had permission to represent the owner of the rental unit.

At the outset of this hearing, I informed the landlord and her agent that recording of this hearing was not permitted by anyone, as per Rule 6.11 of the Residential Tenancy Branch ("RTB") *Rules of Procedure* ("Rules"). The landlord and her agent both separately affirmed, under oath, that they would not record this hearing.

I explained the hearing process to the landlord and her agent. I informed them that I could not provide legal advice to them. They had an opportunity to ask questions. They did not make adjournment or accommodation requests.

The landlord confirmed receipt of the tenant's application for dispute resolution and notice of hearing on December 2, 2021. She said that she received the documents from the RTB, not the tenant. She confirmed that she did not submit any evidence for the hearing because she did not have enough time to do so.

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. I informed the landlord and her agent of my decision verbally during this hearing.

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*.

Neither party provided a copy of the 10 Day Notice so I could not determine whether it complied with section 52 of the *Act*.

The tenant provided a copy of page 1 of a One Month Notice to End Tenancy for Cause, dated October 19, 2021 ("1 Month Notice"). She did not provide a copy of page 2 of the 1 Month Notice, outlining the reasons for ending the tenancy. The landlord did not provide a copy of the 1 Month Notice but stated that one was issued to the tenant.

The tenant did not apply to cancel the 1 Month Notice, only a 10 Day Notice, in this application.

Neither party provided a full copy of the 1 Month Notice so I could not determine whether it complied with section 52 of the *Act*.

I notified the landlord and her agent that I could not issue an order of possession to the landlord. I informed them that neither party provided a full copy of the 10 Day Notice or the 1 Month Notice, so I could not examine them to determine whether they complied with section 52 of the *Act*. I notified them that the tenant did not apply to cancel a 1 Month Notice, only a 10 Day Notice. I informed them that they could file an application and pay a filing fee, if they wanted to obtain an order of possession against the tenant in the future. They confirmed their understanding of same.

Conclusion

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

The landlord is not issued 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: December 16, 2021

Residential Tenancy Branch