



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **RR, OLC, CNR-MT, RP**

### Introduction

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

- an order to allow the tenant to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65;
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62;
- more time to make an application to cancel the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the "10 Day Notice") pursuant to section 66;
- cancellation of a 10 Day Notice pursuant to section 46; and
- an order to the landlord to make repairs to the rental unit pursuant to section 33.

This matter was set for hearing by telephone conference call at 9:30 am on this date. The line remained open while the phone system was monitored for fifteen minutes and the only participant who called into the hearing during this time were the agents for the corporate respondent (the "landlord").

At the outset of the hearing the landlord provided the correct name of the corporate respondent. The corrected names are used in the style of cause for this decision and accompanying order.

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 reapply.

Therefore, as the applicant did not attend the hearing, and the respondent was present and ready to proceed, I dismiss the claim in its entirety without leave to reapply.

Section 55 of the *Act* provides that:

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 dismissed the tenant's application, and I find that the landlord's 10 Day Notice complies with the form and content requirements of section 52 as it is signed and dated by the agent of the landlord, provides the address of the rental unit, the effective date of the notice, and the grounds for the tenancy to end. I accept the evidence of the landlord that the tenant was obligated to pay rent in the amount of \$1,650.00 on the first of each month and they have failed to do so giving rise to the issuance of the 10 Day Notice. I therefore, find that the landlord is entitled to an Order of Possession pursuant to section 55. As the effective dates of the notice has passed, I issue an Order of Possession effective two (2) days after service.

### Conclusion

The tenant's application is dismissed in its entirety without leave to reapply.

I grant an Order of Possession to the landlord effective **2 days after service on the tenant**. Should the tenant or anyone on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: January 25, 2022