



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR, OLC, MNDCT, LRE, FFT

### Introduction

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

- cancellation of the landlord's Ten Day Notice to End Tenancy for Unpaid Rent or Utilities, dated December 2, 2021 ("10 Day Notice"), pursuant to section 46;
- an order requiring the landlord to comply with the *Act*, *Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement, pursuant to section 62;
- a monetary order of \$13,000.00 for compensation under the *Act*, *Residential Tenancy Regulation* or tenancy agreement, pursuant to section 67;
- an order restricting the landlord's right to enter the rental unit, pursuant to section 70; and
- authorization to recover the \$100.00 filing fee paid for this application, pursuant to section 72.

While the respondent landlord's agent attended the hearing by way of conference call, the applicant tenant did not, although I waited until 11:11 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 11:00 a.m. This hearing lasted approximately 11 minutes.

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's agent and I were the only people who called into this teleconference.

The landlord's agent confirmed her name and spelling. She stated that she is a property manager for the landlord company ("landlord") named in this application and that she had permission to speak on its behalf. She said that the landlord is an authorized agent for the owner of the rental unit. She confirmed the rental unit address. She provided her email address for me to send this decision to the landlord after the hearing.

At the outset of this hearing, I informed the landlord's 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's agent affirmed, under oath, that she would not record this hearing.

At the outset of this hearing, I explained the hearing process to the landlord's agent. She had an opportunity to ask questions, which I answered. She did not make any adjournment or accommodation requests.

The landlord's agent confirmed receipt of the tenant's application for dispute resolution hearing package and amendments. She stated that she received the tenant's two amendments from December 2021 and March 2022, increased the tenant's monetary claim from \$3,000.00 to \$13,000.00. In accordance with sections 89 and 90 of the *Act*, I find that the landlord was duly served with the tenant's application and amendments.

Rule 7.3 of the RTB *Rules* 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's agent of my decision during this hearing. She confirmed her understanding of same.

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*.

The landlord's agent stated that the landlord did not require an order of possession against the tenant because the tenant moved out by December 31, 2021 and the landlord took back possession of the rental unit. I notified her that I would not issue an order of possession to the landlord, since she said one was not required. She confirmed her understanding of and agreement to 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: March 24, 2022

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Residential Tenancy Branch