



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Aqanttanam Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, CNC, OLC

Introduction

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

- cancellation of the One Month Notice to End Tenancy for Cause, pursuant to section 47;
- cancellation of the 10 Day Notice to End Tenancy for Unpaid Rent, pursuant to section 46; and
- an Order directing the landlord to comply with the *Act*, regulation or tenancy agreement, pursuant to section 62.

The tenant did not attend this hearing, although I left the teleconference hearing connection open until 11:10 a.m. in order to enable the tenant to call into this teleconference hearing scheduled for 11:00 a.m. The landlord's agent (the "agent") attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. 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 agent and I were the only ones who had called into this teleconference.

The agent was advised that Rule 6.11 of the Residential Tenancy Branch Rules of Procedure prohibits the recording of dispute resolution hearings. The agent testified that they are not recording this dispute resolution hearing.

The agent confirmed their email address for service of this decision.

The agent testified that the tenant moved out of the subject rental property at the beginning of February 2022. The agent testified that a 10 Day Notice to End Tenancy

for Unpaid Rent was never served on the tenant, only a One Month Notice to End Tenancy for Cause. A 10 Day Notice to End Tenancy for Unpaid Rent was not entered into evidence by either party.

Rule 7.1 of the Residential Tenancy Rules of Procedure states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. Rule 7.3 states that 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.

Based on the above, in the absence of any evidence or submissions from the applicant I order the application dismissed without liberty to reapply.

I accept the agent's undisputed testimony that the tenant moved out in early February 2022. I accept the agent's undisputed testimony that a 10 Day Notice to End Tenancy for Unpaid Rent was never served on the tenant. As this tenancy has already ended, I find that I do not need to consider if the landlord is entitled to an Order of Possession under section 55 of the *Act*. As a 10 Day Notice to End Tenancy for Unpaid Rent was never served on the tenant, I find that I am not required to consider if the landlord is entitled to a Monetary Order for unpaid rent pursuant to section 55(4) of the *Act*.

Conclusion

The tenant's application for dispute resolution is dismissed 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: April 01, 2022

Residential Tenancy Branch