



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Menithel Properties
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution, made on January 14, 2022 (the "Application"). The Tenant applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated January 11, 2022 (the "10 Day Notice").

The hearing was scheduled for 11:00 A.M. on April 12, 2022 as a teleconference hearing. The Tenant attended the hearing at the appointed date and time. No one appeared for the Landlord. The conference call line remained open and was monitored for 20 minutes before the call ended. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the Tenant and I were the only persons who had called into this teleconference.

At the start of the hearing, the Tenant stated that she served the Notice of Hearing to the Landlord in person on January 27, 2022. Pursuant to Section 89 and 90 of the Act, I find the Landlord is deemed to have been served with the Notice of Hearing on January 27, 2022.

Preliminary Matters

Rule 7.1 of the Rules of Procedure states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. As the Tenant and I attended the hearing on time and ready to proceed and there was no evidence

before me that the parties had agreed to reschedule or adjourn the matter, I commenced the hearing as scheduled at 11:00 A.M. on April 12, 2022.

As no one attended the hearing for the Landlord in support of the 10 Day Notice, I find that the Tenant's Application to cancel the 10 Day Notice is successful. I therefore cancel the 10 Day Notice dated January 11, 2022. I order that the tenancy continue until it is ended in accordance with the *Act*.

Conclusion

No one attended the hearing for the Landlord in support of the 10 Day Notice dated January 11, 2022. The 10 Day Notice is therefore cancelled and the tenancy will continue until it is ended in accordance with the *Act*.

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 12, 2022

Residential Tenancy Branch