



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding RELIANCE PROPERTIES LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Tenant on March 04, 2022 (the "Application"). The Tenant applied as follows:

- To dispute a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the "Notice")

The Agent for the Landlord appeared at the hearing. The Tenant did not appear at the hearing. I waited 10 minutes at the outset of the hearing to allow the Tenant to call into the hearing; however, the Tenant did not do so.

The Agent for the Landlord advised that the Tenant moved out of the rental unit and the Landlord is not seeking an Order of Possession for the rental unit.

Rule 7.3 of the Rules of Procedure states:

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.

The Tenant failed to attend the hearing to provide a basis for the Application and the Agent for the Landlord did appear. Given this, the Application is dismissed without leave to re-apply.

Section 55(1) of the *Residential Tenancy Act* (the “*Act*”) requires an arbitrator to issue an Order of Possession when a tenant applies to dispute a notice to end tenancy, the application is dismissed or the notice is upheld and the notice complies with section 52 of the *Act*.

The Landlord is not seeking an Order of Possession for the rental unit because the Tenant has moved out and therefore, I have not considered whether an Order of Possession should be issued pursuant to section 55 of the *Act*. I also note that I did not consider section 55(1.1) of the *Act* because there is no full copy of the Notice before me and therefore, I cannot determine whether it complies with section 52 of the *Act* as required.

Conclusion

The Application is dismissed without leave to re-apply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: June 14, 2022

Residential Tenancy Branch