



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PACIFIC QUORUM PROPERTIES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes For the tenant: RR, MNDCT, PSF, RP, OLC, CNR, MNRT, LRE
For the owner: OPR, MNR, FF

Introduction and Preliminary Issue –

This hearing was convened as the result of the cross applications of the parties for dispute resolution (application) seeking remedy under the Residential Tenancy Act (Act).

The tenant applied for:

- an order cancelling the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (10 Day Notice) issued by the landlord;
- a reduction in monthly rent;
- compensation for a monetary loss or other money owed;
- an order requiring the landlord to provide for services or facilities required by the tenancy agreement or the Act;
- an order requiring the landlord to make repairs;
- an order requiring the landlord to comply with the Act, regulations, or tenancy agreement;
- a monetary order for unpaid rent; and
- an order suspending or setting conditions on the landlord's right to enter the rental unit.

The landlord applied for:

- an order of possession of the rental unit pursuant to the Notice served to the tenant;
- a monetary order for unpaid rent; and
- to recover the cost of the filing fee.

The tenant did not attend the hearing.

An individual, JK, initially announced that they represented the landlord and upon further questioning, JK said that the landlord listed in both applications, a property management company, PQP, no longer represented the owner, who lives in another country, as of May 31, 2022.

Preliminary and Procedural Matters

#1 –

Residential Tenancy Branch (RTB) Rules of Procedure (Rules) 6.8 states the arbitrator may require an agent to provide proof of their appointment to represent a party. Upon further questioning, JK said that they were representing the owner and had enough information to proceed because the owner gave them the dispute resolution documents. JK said the owner was not going to attend the hearing because they lived in another country. JK did not explain why the owner could not call from another country.

I find the landlord listed in both applications, PQP, JK, or the landlord/owner submitted insufficient evidence that JK had authority to represent either PQP or the landlord/owner at the hearing or had sufficient, direct knowledge of the matters in the landlord's application. I therefore find JK had no standing to continue in this hearing as an agent, and as a result, I find the hearing could not continue on the merits of the landlord's application.

#2 –

Rules 7.3 and 7.4 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 re-apply.

7.4 Evidence must be presented

Evidence must be presented by the party who submitted it, or by the party's agent.

If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

Accordingly, in the absence of either party or agent to present their respective evidence at the hearing, I **ORDER** the tenant's application for remedies other than their request to cancel the 10 Day Notice, dismissed with leave to reapply.

I also **ORDER** the landlord's request for a monetary order for unpaid rent dismissed with leave to reapply.

As I have found that JK lacked standing as an agent to represent either the landlord listed on both applications or the owner, I find there was insufficient evidence from the landlord to determine what, if any, unpaid rent was owed as of the date of the hearing or whether the tenancy has been reinstated. For this reason, I do not grant the landlord an order of possession of the rental unit or a monetary order for unpaid rent under section 55 (1) and (1.1) under the Act.

As the timelines regarding the 10 Day Notice filed in evidence by the original landlord have passed, I **dismiss** the tenant's request for cancellation of the 10 Day Notice and the landlord's request for enforcement of the 10 Day Notice, **without leave to reapply**.

As the landlord's application is dismissed, I decline to award the landlord recovery of the filing fee.

Conclusion

The tenant's application for all issues not related to their request for cancellation of the 10 Day Notice is dismissed with leave to reapply.

The tenant's application for cancellation of the 10 Day Notice is dismissed, without leave to reapply for the reason noted above.

The landlord's application for a monetary order for unpaid rent is dismissed with leave to reapply.

The landlord's application for an order of possession of the rental unit based upon the 10 Day Notice is dismissed, without leave to reapply for the reason noted above.

The landlord's request for recovery of the filing fee is declined.

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*. Pursuant to section 77(3) of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: July 05, 2022

Residential Tenancy Branch