



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding VANCOUVER NATIVE HOUSING  
SOCIETY

and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      **CNR, OLC, MNDCT**

### Introduction

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

- cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent (the "10 Day Notice") pursuant to section 46;
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62; and
- a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67.

This matter was set for hearing by telephone conference call at 11:00 am on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time were the agents of the corporate respondent.

Rule 7.3 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 reapply.

Therefore, as the applicants did not attend the hearing, and the respondent was present and ready to proceed, I dismiss the claim without leave to reapply.

Section 55(1) of the *Act* provides that:

If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director **must** grant to the landlord an order of possession of the rental unit if

- (a) the landlord's notice to end tenancy complies with section 52 [form and content of notice to end tenancy], and
- (b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

I have dismissed the tenants' application, and I find that the landlord's 10 Day Notice complies with the form and content requirements of section 52 as it is signed and dated by an agent of the landlord, provides the address of the rental unit, the effective date of the notice, and the grounds for the tenancy to end.

I accept the undisputed evidence of the landlord that pursuant to the tenancy agreement the tenant is required to pay monthly rent in the amount of \$1,446.00 on the first of each month. I accept the evidence that there was an arrear of \$5680 as at April 12, 2022, the date of the 10 Day Notice.

Accordingly, I issue an Order of Possession in the landlord's favour. In accordance with the oral request of the landlord I issue an Order effective on August 31, 2022.

### Conclusion

The tenants' application is dismissed in its entirety without leave to reapply.

I grant an Order of Possession to the landlord effective **12:00PM on AUGUST 31, 2022**. Should the tenants or any occupant on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

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: August 16, 2022

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Residential Tenancy Branch