



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Code CNR

This hearing was convened as a result of the Tenants' Application for Dispute Resolution made on September 4, 2022. The Tenants applied for an order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the 10 Day Notice), pursuant to the Residential Tenancy Act (the Act).

The Landlord attended the hearing and was accompanied by PA, who assisted with translation. Both the Landlord and PA provided a solemn affirmation at the beginning of the hearing. The Tenants did not attend the hearing.

As the Tenants did not attend the hearing at the appointed date and time, I find that the application is dismissed without leave to reapply.

Section 55(1) confirms that when a tenant's application to cancel a notice to end tenancy is dismissed and the notice to end tenancy complies with the form and content requirements of section 52 of the Act, the director must grant to the landlord an order of possession of the rental unit.

Section 55(1.1) confirms that when a tenant's application to cancel a notice to end tenancy for unpaid rent or utilities is dismissed and the notice to end tenancy complies with the form and content requirements of section 52 of the Act, the director must grant an order requiring the payment of the unpaid rent

When a tenant disputes a notice to end tenancy, the burden of proving the basis for issuing the notice to end tenancy rests with the landlord. In this case, neither the Tenants nor the Landlord submitted a copy of the 10 Day Notice into evidence. Therefore, I find I am unable to confirm that it complied with the form and content requirements of section 52 of the Act. As a result, I find I am unable to grant an order of

possession and a monetary order for unpaid rent pursuant to sections 55(1) and 55(1.1) of 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: November 21, 2022

Residential Tenancy Branch