



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNR**

Introduction

This hearing dealt with an application by the tenants pursuant to the Residential Tenancy Act (“the Act”) for orders as follows:

- cancellation of the landlords’ 10 Day Notice to End Tenancy (“10 Day Notice”) pursuant to section 46

The landlord’s agent RS appeared at the hearing. The tenant did not appear. The parties in attendance were given a full opportunity to be heard, to present testimony, to make submissions, and to call witnesses.

The agent RS confirmed that the 10 Day Notice was served on the tenant by attaching the notice to the door of the rental unit on August 2, 2022. The tenant is therefore deemed to have been served with the 10 Day Notice on August 5, 2022 pursuant to section 90 of the Act.

Issue(s) to be Decided

Is the 10 Day Notice valid and enforceable against the tenant?

Background and Evidence

The tenancy commenced February 20, 2022, for a one-year fixed term. Rent was \$4,500.00 per month and a security deposit of \$2,250.00 is still held in trust by the landlord. The landlord’s agent confirmed the tenant vacated the rental unit on October 16, 2022, and that the tenant no longer has access to the rental unit.

Analysis

RTB Rule of Procedure 7.3 states that 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. I remained on the line for 10 minutes and the tenant did not appear.

I therefore dismiss the tenant's application disputing the 10 Day Notice. The tenant no longer has access to the rental unit and the landlord therefore does not require an order of possession for the rental unit.

Conclusion

The tenant's application for dispute resolution is dismissed without leave to reapply.

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