



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      **CNR-MT, RP**

### **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 pursuant to section 46
- requiring the landlord to make repairs to the rental unit

Tenant MM appeared. The landlord did not appear. All parties were given a full opportunity to be heard, to present testimony, to make submissions, and to call witnesses.

The tenant confirmed he was not recording the hearing pursuant to RTB Rules of Procedure 6.11. The tenant was affirmed.

The tenant confirmed receipt of the 10 Day Notice to End Tenancy (“10 Day Notice”) dated September 26, 2022. Pursuant to section 88 of the Act the tenant is found to have been served with this notice in accordance with the Act.

### **Preliminary Issue**

The tenant confirmed his name was incorrectly spelled in the application. Pursuant to Rule 4.2 of the RTB Rules of Procedure I have amended the tenant’s application to reflect the correct spelling.

### **Analysis**

The tenant voluntarily exited the hearing early. I was unable to confirm details of service of the dispute notice on the landlord prior to the tenant. Therefore, it is unclear whether the landlord had proper notice of the hearing and I was unable to adjudicate the claim. I am therefore dismissing the tenant's dispute application without leave to reapply.

Section 55 of the Act states:

**55** (1) 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.

The 10 Day Notice was not uploaded in evidence; therefore, I am unable to make a finding that the 10 Day Notice complies with the form and content requirements in section 52 of the Act. I am therefore unable to grant an order of possession to the landlord.

### Conclusion

The tenant's application is dismissed.

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: December 14, 2022

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Residential Tenancy Branch