



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Introduction

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

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent pursuant to section 46;
- plus various other remedies under the Act.

While the respondent attended the hearing by way of conference call, the applicant did not, although I waited until 11:15 a.m. in order to enable the applicant to connect with this teleconference hearing scheduled for 11:00 a.m. The applicant should have been aware of the hearing date, time and call in instructions as this dispute was initiated by the applicant and the applicant was required to serve a copy of the notice of hearing on the respondent.

Accordingly, in the absence of the applicant's participation in this hearing, I order the tenant's application dismissed in its entirety without leave to reapply.

The landlord advised he already obtained an order of possession through a separate file; therefore, the tenant's application to dispute the 10 Day Notice is moot. Additionally, neither party submitted a copy of the 10 Day Notice. As I could not determine if the 10 Day Notice met the form and content requirements of the Act, I was unable to grant the landlord a monetary order for the unpaid rent. The landlord will have to file his own application to request such.

Conclusion

The application is dismissed in its entirety 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: February 23, 2023

Residential Tenancy Branch