



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

A matter regarding ATIRA PROPERTY MANAGEMENT INC.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNR

### Introduction

The Tenant applied for dispute resolution (Application) and seeks an order canceling a 10 Day Notice to End Tenancy for Unpaid Rent (the Notice) under section 46(4)(b) of the *Residential Tenancy Act* (the Act).

An Agent for the Respondent Landlord called into this teleconference at the date and time set for the hearing of this matter. The Landlord's Agent affirmed to tell the truth during the hearing and was given a full opportunity to be heard, to present affirmed testimony, to call witnesses, and make submissions.

Although I waited until 9:48 A.M. to enable the Applicant Tenant to connect with this teleconference hearing scheduled for 9:30 A.M., the Tenant did not attend.

I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding. During the hearing, I also confirmed from the online teleconference system that the Landlord's Agent and I were the only parties who had called into this teleconference.

Rule 7.1 of the *Rules of Procedure* states that a hearing will commence at the scheduled time, unless otherwise set by the Arbitrator.

Rule 7.3 of the *Rules of Procedure* states that if a party or their agent fails to attend the hearing, the arbitrator may conduct the hearing in the absence of that party or dismiss the application with or without leave to reapply.

The Landlord's Agent testified they had not received the Notice of Dispute Resolution Package (Materials) from the Tenant. They had to contact the Residential Tenancy Branch to obtain a courtesy copy of the Materials. Given the undisputed testimony of the Landlord's Agent, I find the Tenant did not serve the Materials in accordance with the section 89 of the Act.

Accordingly, as the Tenant did not serve the Materials to the Landlord, I dismiss the Tenant's Application with leave to reapply. Leave to reapply is not an extension of timeline to apply.

### Conclusion

The Application 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 Act.

Dated: June 16, 2023

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Residential Tenancy Branch