



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR, MNDCT, RR, LRE, LAT, OLC, FFT

Introduction

The Tenant applied for dispute resolution (Application) and seeks the following:

- an order canceling a 10 Day Notice to End Tenancy for Unpaid Rent (the Notice) pursuant to section 46(4)(b) of the *Residential Tenancy Act* (the Act);
- Compensation for monetary loss or other money owed under section 67 of the Act;
- to reduce rent for repairs, services or facilities agreed upon but not provided under section 65 of the Act;
- to suspend or set conditions on the Landlord's right to enter the rental unit under section 70 of the Act;
- authorization to change the locks to the rental unit under section 70 of the Act;
- for the Landlord to comply with the Act, *Residential Tenancy Regulation* or the tenancy agreement under section 62 of the Act; and
- to recover the cost of the filing fee under section 72 of the Act.

The Respondent Landlord and their Agent called into this teleconference at the date and time set for the hearing of this matter. The attending parties 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.

The Landlord and their Agent testified they received the Notice of Dispute Resolution Package (Materials) from the Tenant via email. I find that the Materials were sufficiently served in accordance with section 71(2)(c) of the Act.

Although I waited until 9:43 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, 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.

Accordingly, in the absence of any attendance at this hearing by the Tenant or their Agent, I dismiss the Tenant's Application without leave to reapply.

Analysis

Section 55(1) of the Act states that if a tenant applies for Dispute Resolution to dispute a landlord's notice to end tenancy, an Order of Possession must be granted if the tenant's application is dismissed, and the landlord's notice complies with the form and content requirements set out in section 52 of the Act.

A copy of the Notice was entered into evidence by the Landlord. I find that the Notice complies with section 52 of the Act.

Based on the above findings, the Landlord is entitled to an Order of Possession under section 55(1) of the Act. However, the Landlord testified that the Tenant vacated the rental unit on May 30, 2023 and therefore an Order of Possession was not required. Therefore, I shall not issue an Order of Possession.

Since the Application relates to a section 46 notice to end tenancy, the Landlord is entitled to an order for unpaid rent under section 55(1.1) of the Act. Therefore, the Tenant is ordered to pay \$1,050.00 in unpaid rent to the Landlord.

Under section 38(4)(b) of the Act, the Landlord is ordered to retain the security deposit and pet damage deposit in full satisfaction of the payment order and as a result, no Monetary Order is issued.

As the Tenant's Application was not successful, they must bear the cost of the filing fee.

Conclusion

The Application is dismissed without leave to reapply.

The Landlord is authorized to retain the security deposit and pet damage deposit in full satisfaction of unpaid rent.

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 05, 2023

Residential Tenancy Branch