



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ROYAL PACIFIC REALTY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, CNL, MNDCT, RR, RP, LRE, FFT

Introduction

This hearing was scheduled to convene at 9:30 a.m. on November 8, 2023, having been adjourned at the request of the tenant from October 24, 2023, concerning an application made by the tenant seeking the following relief:

- an order cancelling a notice to end the tenancy for unpaid rent or utilities;
- an order cancelling a notice to end the tenancy for landlord's use of property;
- a monetary order for money owed or compensation for damage or loss under the *Residential Tenancy Act*, regulation or tenancy agreement;
- an order reducing rent for repairs, services or facilities agreed upon but not provided;
- an order that the landlord make repairs to the rental unit or property;
- an order limiting or setting conditions on the landlord's right to enter the rental unit; and
- to recover the filing fee from the landlord for the cost of the application.

My Interim Decision was provided to the parties after the October 24, 2023 hearing, which ordered that all evidence be exchanged by no later than October 31, 2023.

On November 8, 2023 an agent for the landlord attended the hearing, however the line remained open while the telephone system was monitored for in excess of 10 minutes and no one for the tenant joined the call. Therefore, I dismiss the tenant's application in its entirety without leave to reapply.

The *Residential Tenancy Act* states that where I dismiss a tenant's application to cancel a notice to end a tenancy given by a landlord, I must grant an order of possession in favour of the landlord, so long as the notice given is in the approved form. The

landlord's agent submitted that the tenant vacated the rental unit on or about October 31, 2023 and the landlord has possession. Therefore, I decline to issue an order of possession.

The law also states that if a notice to end the tenancy refers to unpaid rent, I may grant a monetary order in favour of the landlord for the amount of the unpaid rent. In this case, no one has provided a copy of a 10 Day Notice to End Tenancy For Unpaid Rent or Utilities, and therefore, I decline to make any monetary order in favour of the landlord. The landlord is at liberty to make and Application for Dispute Resolution.

Conclusion

For the reasons set out above, the tenant's application is hereby 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: November 08, 2023

Residential Tenancy Branch