



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding WOODGROVE SENIOR CITIZEN HOUSING  
SOCIETY and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC; CNR

### Introduction

This hearing dealt with the tenant's first application for dispute resolution, filed on October 12, 2023, under the *Residential Tenancy Act* ("Act") for:

- cancellation of the landlord's One Month Notice to End Tenancy for Cause ("1 Month Notice"), under section 47 of the Act.

This hearing also dealt with the tenant's second application for dispute resolution, filed on November 7, 2023, under the Act for:

- cancellation of the landlord's Ten Day Notice to End Tenancy for Unpaid Rent or Utilities ("10 Day Notice"), under section 46 of the Act.

The applicant tenant did not attend this hearing. The respondent landlord's two agents, "landlord MS" and "landlord TC," attended this hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses.

This hearing lasted approximately 11 minutes from 9:30 a.m. to 9:41 a.m.

I monitored the teleconference line throughout this hearing. I confirmed that the correct call-in numbers and participant codes were provided in the Notice of Hearing. I also confirmed from the online teleconference system that the landlord's two agents and I were the only people who called into this teleconference.

The landlord's agents provided their names and spelling. Landlord TC provided her email address for me to send a copy of this decision to the landlord after this hearing.

Landlord MS said that he is on the Board of Directors for the landlord company ("landlord") named in this application. He confirmed that he had permission to represent the landlord. He stated that the landlord owns the rental unit. He provided the rental unit address.

Rule 6.11 of the Residential Tenancy Branch ("RTB") *Rules of Procedure* ("*Rules*") does not permit recordings of any RTB hearings by any participants. At the outset of this hearing, the landlord's agents both separately affirmed that they would not record this hearing.

I explained the hearing process to the landlord's agents. I informed them that I could not provide legal advice to them. They had an opportunity to ask questions, which I answered. They did not make any adjournment or accommodation requests.

#### Preliminary Issue – Dismissal of Tenant's Two Applications

Landlord MS confirmed receipt of the tenant's two applications for dispute resolution hearing packages. In accordance with section 89 of the *Act*, I find that the landlord was duly served with the tenant's two applications.

Rule 7.3 of the RTB *Rules* states the following:

*7.3 Consequences of not attending the hearing: If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply.*

In the absence of any appearance by the applicant tenant, I order the tenant's two applications dismissed in their entirety, without leave to reapply.

I informed the landlord's agents of my decision during this hearing. They affirmed their understanding of same.

#### Preliminary Issue – Order of Possession

Pursuant to section 55 of the *Act*, if I dismiss the tenant's application to cancel a 10 Day Notice or a 1 Month Notice, the landlord may be entitled to an order of possession, provided that the notices meet the requirements of section 52 of the *Act* and the landlord provides sufficient evidence of same.

At the outset of this hearing, landlord MS confirmed that the landlord did not require an order of possession against the tenant because the tenant vacated the rental unit on December 13, 2023.

I informed the landlord's agents that I would not issue an order of possession to the landlord, since it did not require one. They affirmed their understanding of and agreement to same.

### Conclusion

The tenant's two applications are dismissed in their 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 *Act*.

Dated: December 15, 2023

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Residential Tenancy Branch