



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR, FF

Introduction, Preliminary and Procedural Matters-

This telephone conference call hearing was convened as the result of the tenant's two applications for dispute resolution seeking remedy under the Residential Tenancy Act (Act). The tenant applied in both applications for:

- an order cancelling the two 10 Day Notices to End Tenancy for Unpaid Rent or Utilities (Notice) issued by the landlord
- recovery of the filing fee

The hearing began as scheduled at 11:00 am Pacific Time on Tuesday, April 30, 2024, and the telephone system remained open and was monitored for 15 minutes.

At the time the undersigned began connecting to the hearing, two callers were present. However, by the time undersigned connected to the hearing, one caller disconnected.

The party remaining present was the landlord, who was affirmed. The landlord confirmed receiving the tenant's first application, but not their second application.

Rules 7.3 and 7.4 of the Rules of Procedure provides as follows:

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.

7.4 Evidence must be presented

Evidence must be presented by the party who submitted it, or by the party's agent.

If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

Accordingly, in the absence of any evidence or submissions from the tenant at the hearing, **I order the tenant's two applications dismissed in their entirety, without leave to reapply.**

Analysis and Conclusion

While waiting for 15 minutes for the other caller to reconnect to the hearing, the landlord testified in response to my questions. The landlord said they served the tenant with a 10 Day Notice on March 23, 2024, and another 10 Day Notice on April 3, 2024. The landlord, when asked, could not provide details about either 10 Day Notice as to the amount of rent or the due date listed. The landlord said they were outside and did not have a copy of the Notices before them for the hearing.

The tenant's applications seeking cancellation of 10 Day Notices issued by the landlord are dismissed, without leave to reapply, due to their failure to attend the hearing.

As neither party provided a copy of either of the 10 Day Notices, I was unable to review the documents and therefore, I am unable to determine whether either Notice complies with section 52 *[form and content of notice to end tenancy]*.

The landlord could not provide sufficient details of the Notices in their testimony.

For these reasons, I decline to grant the landlord an order of possession of the rental unit under section 55(1)(a).

Further, I decline to grant the landlord a monetary order under Section 55(1.1) of the Act.

The landlord is at liberty to make their own application for dispute resolution seeking vacant possession of the rental unit and monetary compensation from the tenant, based upon my dismissal of the tenant's two applications.

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: April 30, 2024

Residential Tenancy Branch