



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OLC

Introduction

Pursuant to section 58 of the *Residential Tenancy Act*. (the *Act*), I was designated to hear this matter. This hearing dealt with the Applicant's application for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46; and
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62.

While the Respondent attended the hearing by way of conference call, the Applicant did not, although I waited until 1:45 p.m. in order to enable the Applicant to connect with this teleconference hearing scheduled for 1:30 p.m.

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 Commencement of the dispute resolution proceeding The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the dispute resolution proceeding in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

In the absence of the Applicant's participation in this hearing, I order the application dismissed without liberty to reapply.

At the hearing, the Respondent said that he has still not obtained rent owed to him by the Applicant and enquired as to how he could retrieve this unpaid rent. I advised the Respondent that I could not consider his request for a monetary award for unpaid rent as no such application is before me. I also noted that a final and binding decision and Order has been issued by another Arbitrator of the Residential Tenancy Branch in which vacant possession of the Respondent's rental premises including the room occupied by the Applicant has been granted to the owner of this rental property,

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: July 04, 2013

Residential Tenancy Branch

