



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNR ERP FF OLC RP

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* ("Act") for:

- a cancellation of a notice to end tenancy for unpaid rent pursuant to section 46 of the *Act*;
- an Order directing the landlord to make repairs to the unit pursuant to section 33 of the *Act*;
- an Order directing the landlord to comply with the *Act* pursuant to section 62; and
- a return of the filing fee pursuant to section 72 of the *Act*.

Analysis

While the respondent landlord attended the hearing by way of conference call, the Applicant tenants did not, although I waited until 9:10 A.M. in order to enable the Applicants to connect with this teleconference hearing scheduled for 9:00 A.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.

Section 55(1) of the *Act* reads as follows:

55 (1) *If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,*

(a) the landlord's notice to end tenancy complies with section 52{form and content of notice to end tenancy}, and
(b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

Based on the 10 Day Notice entered as written evidence and the landlord's sworn testimony, I find that the landlord's 10 Day Notice complies with section 52 of the *Act*. The tenants failure to attend this hearing and present evidence relating to their application leads me to order that their application to cancel the 10 Day Notice is dismissed without liberty to reapply.

Based on my decision to dismiss the tenants' application for dispute resolution and my finding that the landlord's 10 Day Notice complies with section 52 of the *Act*, I find that this tenancy ended on the corrected effective date of the 10 Day Notice, September 26 2017, and the landlord is entitled to an Order of Possession.

The remainder of the tenants' application is dismissed without leave to reapply.

Conclusion

The tenants' application is dismissed in its entirety.

The landlord is provided with a formal copy of an Order of Possession effective 2 days after service. Should the tenant fail to comply with this Order, this Order may be enforced as an Order of the Supreme Court of British Columbia.

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: December 6, 2017

Residential Tenancy Branch