



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OLC

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) 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.

The tenant did not attend this hearing, although I waited until 11:12 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 11:00 a.m.

The landlord attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

Rules 7.1 and 7.3 of the Residential Tenancy Branch Rules of Procedure provides as follows:

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

The landlord acknowledged receipt of the Application for Dispute Resolution (the Application). In accordance with section 89 of the *Act*, I find that the landlord was duly served with the Application.

Issues to be Decided?

Should the landlord's 10 Day Notice be cancelled? If not is the landlord entitled to an Order of Possession?

Is the tenant entitled to an order for the landlord to comply with the *Act*?

Background and Evidence

The landlord confirmed that the tenant is no longer in the rental unit and that they do not require an Order of Possession.

Analysis

In the absence of any evidence or submissions from the applicant, I order the Application dismissed, without liberty to reapply.

Section 55 of the *Act* allows for an Order of Possession to be issued when the tenant's application to dispute a notice to end tenancy is dismissed.

As the landlord confirmed that they do not require an Order of Possession, I do not issue an Order of Possession for the landlord.

Conclusion

I dismiss the tenant's Application 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: September 24, 2018

Residential Tenancy Branch