



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, RP, FFT

Introduction and Preliminary Matters

Pursuant to section 58 of the *Residential Tenancy Act* (the Act), I was designated to hear an application regarding a residential tenancy dispute. The Tenants applied for:

- an order to cancel a 10 Day Notice to End Tenancy For Unpaid Rent, dated November 2, 2021 (the 10 Day Notice);
- an order for repairs made to the unit, having contacted the Landlord in writing; and
- for the filing fee.

The hearing started on time at 9:30 a.m. The Tenants did not attend, despite the teleconference line remaining open for 10 minutes. The Landlord attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses; they were also made aware of Residential Tenancy Branch Rule of Procedure 6.11 prohibiting recording dispute resolution hearings.

The Landlord raised no issues regarding service of the Notice of Dispute Resolution Proceeding.

As the Tenant did not attend the hearing, I dismiss their application.

Section 55 of the Act states:

Order of possession for the landlord

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 to the landlord an order of possession of the rental unit if

- (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.

As neither the Tenant nor the Landlord have submitted as evidence a complete copy of the 10 Day Notice for my consideration, I decline to grant the Landlord an order of possession.

The Landlord is at liberty to apply for an order of possession.

Conclusion

The Tenants' application is dismissed.

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: January 13, 2022

Residential Tenancy Branch