

## **DECISION**

Dispute Codes      CNR

### **Introduction**

Pursuant to the *Residential Tenancy Act* (the *Act*) and amendments thereto I was designated to hear this matter under section 58. This hearing dealt with the tenant's application pursuant to section 46 of the *Act* to cancel the landlord's Notice to End Tenancy for Unpaid Rent.

While the Respondent appeared at the date and time set for the hearing of this matter the Applicant did not, although I waited until 1:11 p.m. to enable him to participate in this hearing.

Rule 10.1 of the Rules of Procedure provides as follows:

**10.1 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.

Accordingly, **in the absence of any evidence or submissions from the applicant I order the application dismissed without liberty 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*.