



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes CNC

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant to obtain an Order to cancel a notice to end tenancy issued for cause.

No one was in attendance for the applicant Tenant however the respondent Landlord appeared at the hearing.

Issue(s) to be Decided

1. Has the Tenant breached the *Residential Tenancy Act*, regulation or tenancy agreement?
2. If so, has the Landlord met the burden of proof to end this tenancy as a result of that breach?

Background and Evidence

There was no additional evidence or testimony provided in support of the Tenant's claim as no one attended on behalf of the Tenant.

The Landlord advised that as of February 3, 2011 they withdrew their 1 Month Notice to End Tenancy for Cause as they were able to resolve the problem by restricting the Tenant's son's access to the building.

Analysis

Section 61 of the *Residential Tenancy Act* states that upon accepting an application for dispute resolution, the director must set the matter down for a hearing and that the Director must determine if the hearing is to be oral or in writing. In this case, the hearing was scheduled for an oral teleconference hearing. In the absence of the applicant Tenant, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the applicant Tenant called into the hearing during

this time. Based on the aforementioned I find that the Tenant has failed to present the merits of his application and the application was dismissed.

Conclusion

I HEREBY DISMISS the Tenant's application, 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: February 25, 2011.

Residential Tenancy Branch