



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

Pursuant to section 58 of the *Residential Tenancy Act* (the *Act*), I was designated to hear an application regarding the above-noted tenancy. The tenants applied for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent pursuant to section 46 of the *Act*.

Three days before the hearing, the Residential Tenancy Branch received a letter from a legal advocate representing the tenants to advise that the parties have signed an agreement to resolve this dispute and that this hearing was no longer required. However, as I did not receive any confirmation from the landlord prior to this hearing, I convened the hearing to ensure that both parties had an opportunity to address this issue. Neither party attended at the appointed time set for the hearing, although I waited until 1:46 p.m. to enable them to participate in this hearing scheduled for 1:30 p.m.

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 dispute resolution officer. The dispute resolution officer 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 I order the application dismissed with liberty to reapply.** I make no findings on the merits of the matter. Liberty to reapply is not an extension of any applicable limitation period.

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 06, 2012

Residential Tenancy Branch