



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MT CNC

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant for more time to make her application and to cancel a notice to end tenancy for cause.

No one attended the teleconference hearing on behalf of either the Landlord or the Tenant.

### Issue(s) to be Decided

1. Has a valid 1 Month Notice to End Tenancy (the Notice) been issued in accordance with sections 47 and 52 of the *Residential Tenancy Act* (the Act)?
2. If so, has the Tenant proven exceptional circumstances for filing her application to cancel the Notice late, pursuant to section 66 of the Act?
3. Is so; has the Landlord proven valid reasons for ending this tenancy in accordance with section 47 of the Act?
4. Did the Landlord attend the hearing and make an oral request for an Order of Possession?

### Background and Evidence

There was no additional evidence or testimony provided as there was no one in attendance at the scheduled hearing.

### 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.

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.

In the absence of the applicant Tenant and respondent Landlord, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the applicant Tenant or respondent Landlord called into the hearing during this time. Based on the aforementioned I find that the Tenant has not presented the merits of their application and the application is hereby dismissed with leave to reapply.

Conclusion

**I HEREBY DISMISS** the Tenant's application, with 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: April 03, 2012.

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Residential Tenancy Branch