



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes 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 the Tenant however the Landlord appeared.

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. Did the Landlord attend the hearing and make an oral request for an Order of Possession?

Issue(s) to be Decided

There was no additional evidence or testimony provided relating to the Tenant's application.

The Landlord appeared at the hearing and was informed that I would be dismissing the Tenant's application. A brief discussion took place regarding the Community Care and Assisted Living Act and if this tenancy was regulated by that Act or not. The Landlord did not make an oral request for an Order of Possession.

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.

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.

Conclusion

I HEREBY DISMISS the landlord's application for a Monetary Order, 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: April 03, 2012.

Residential Tenancy Branch