



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL, FF, O

### Introduction

This matter dealt with an application by the Tenant to cancel a Notice to End Tenancy for the Landlord's Use of the Property, to recover the filing fee for this proceeding and for other considerations.

During the conference call on March 20, 2012 the Tenant said he served the Landlord with the Application and Notice of Hearing (the "hearing package") by registered mail on March 8, 2012. Based on the evidence of the Tenant, I find that the Landlord was served with the Tenant's hearing package as required by s. 89 of the Act and the hearing proceeded with both parties in attendance.

At the start of the March 20, 2012 conference call the Landlord said she had just received the hearing package as she lives in the in USA. The Landlord requested an adjournment of the hearing so that she could have time to review the documents. The Tenant agreed to the adjournment and the hearing was rescheduled for April 24, 2012.

On April 24, 2012 the hearing started at 9:00 a.m. as scheduled, however by 9:10 a.m. neither the Tenant nor the Landlord had dialled into the conference call. In the absence of any evidence from the Tenant to support the application, the application is dismissed without leave to reapply.

### Conclusion

The Tenant's application is dismissed 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*.

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Dispute Resolution Officer