



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 the tenant's Application for Dispute Resolution under the Residential Tenancy act (the Act) for an Order to cancel a Notice to End Tenancy issued for cause.

No one was in attendance for either the Landlord or the Tenant.

Issue(s) to be Decided

Is the Tenant entitled to an Order pursuant to Sections 47 of the Act?

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.

Leave 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: July 24, 2012

Residential Tenancy Branch