



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MT, CNC

Introduction / Background / Evidence

In response to the tenant's application for more time to make an application to cancel a notice to end tenancy / and cancellation of a notice to end tenancy for cause, a hearing was previously scheduled to commence by way of telephone conference call at 10:30 a.m. on October 19, 2012. The dispute resolution officer found that the landlord did not appear and, in the result, the 1 month notice to end tenancy for cause was set aside.

Subsequently, the landlord filed an application for review consideration. By decision dated October 29, 2012, the dispute resolution officer found that a new hearing should be held. Thereafter, the present hearing was scheduled to commence at 11:30 a.m. on November 16, 2012, and a notice of hearing was mailed to the parties by the Branch.

While the landlord called into the hearing at the scheduled start time of 11:30 a.m. on November 16, 2012, as at 11:40 a.m. the tenant had still not appeared. During the hearing the landlord testified that the tenant vacated the unit on November 6, 2012, without providing a forwarding address.

In the absence of the tenant at this hearing which was originally scheduled in response to her application, the tenant's application is hereby dismissed.

Section 82 of the Act speaks to the **Review of director's decision or order**, in part as follows:

82(3) Following the review, the director may confirm, vary or set aside the original decision or order.

Following from all of the above, the decision of October 19, 2012 is hereby set aside.

Conclusion

The tenant's application is hereby dismissed.

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: November 16, 2012.

Residential Tenancy Branch