



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNC and FF

Introduction

This hearing was scheduled in response to the Tenant's Application for Dispute Resolution, in which the Tenant applied to set aside a Notice to End Tenancy for Cause. The hearing began at the scheduled time of 9:00 a.m. on this date and by 9:11 a.m. the Landlord had appeared but the Tenant had not appeared.

Issue(s) to be Decided

Should the Notice to End Tenancy for Cause be set aside?

Background and Evidence

The Agent for the Landlord stated that the parties have reached an agreement to continue the tenancy and she did not request 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 a teleconference hearing.

Rule 10.1 of the Rules of Procedure stipulates that 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. I find that the Landlord failed to diligently pursue the application and I therefore dismiss the application without leave to reapply.

Conclusion

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: December 06, 2012.
