



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNC

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.

Issue(s) to be Decided

Should the Notice to End Tenancy be set aside, pursuant to section 47(4) of the *Residential Tenancy Act (Act)*?

Background and Evidence

There was no testimony provided as there was no one in attendance at the scheduled hearing.

Analysis

Section 61 of the *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.

This hearing commenced at the scheduled start time of 10:30 a.m. and the teleconference was monitored until 10:41. Neither the Applicant nor the Respondent dialed into the teleconference during this time.

I find that the Application for Dispute Resolution has been abandoned.

Conclusion

I dismiss the Application with leave to reapply, as I have not made any findings of fact or law with respect to the application.

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: January 10, 2013.

Residential Tenancy Branch

