



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNR, RR, and FF

Introduction

This hearing was convened in response to an Application for Dispute Resolution, in which the Tenant applied to cancel a Notice to End Tenancy for Unpaid Rent; for authorization to reduce the rent for repairs, services, or facilities agreed upon but not provided; and to recover the filing fee from the Landlord for the cost of filing this application.

Issue(s) to be Decided

Should the Notice to End Tenancy for Unpaid Rent be set aside and should the Tenant be entitled to a rent reduction because she has not been able to use the garage?

Background and Evidence

There was no 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 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 1:00 p.m. on this date and the teleconference was monitored until 1:11 p.m. 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: September 25, 2013

Residential Tenancy Branch

