



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Peak Performance Investments Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

### **Dispute Codes:**

**OPR, CNC, MNDC**

### **Introduction**

This was a cross-application hearing.

The tenant applied to cancel a Notice to end tenancy for cause and compensation for damage or loss under the Act.

The landlord applied requesting an Order of possession based on breach of an agreement with the landlord.

This matter was set for hearing at 1:30 p.m. on this date.

At 1:39 p.m. the landlord entered the hearing and was affirmed. The landlord said that he now has possession of the rental unit and withdrew his application.

The landlord said that the tenant told him she had applied but she did not serve him with Notice of her hearing.

As the tenant did not attend in support of her application I considered Residential Tenancy Branch Rules of Procedure, section 10.1, provides:

### ***Commencement of the dispute resolution proceeding***

*The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the Dispute Resolution Officer. The Dispute Resolution Officer may conduct the dispute resolution proceeding 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 an appearance by the tenant by 1:40 p.m., I find that the tenant's application is abandoned and dismissed with leave to reapply.

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, 2013

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Residential Tenancy Branch

