



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MNDC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to cancel a one month notice to end tenancy for cause (the, "notice") received on November 21, 2013, for a monetary order for money owed or compensation under the Act and to recover the cost of the filing fee from the landlord.

Both parties appeared, gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

In a case where a tenant has applied to cancel a notice for cause Residential Tenancy Branch Rules of Procedure require the landlord to provide their evidence submission first, as the landlord has the burden of proving cause sufficient to terminate the tenancy for the reasons given on the notice.

Procedural matter

On January 16, 2014, the landlord provided their evidence and their two witnesses provide testimony. The tenant provided their evidence, however, the tenant did not have the opportunity to have their two witnesses provide testimony, due to insufficient time and the matter was adjourned to my next available date.

On March 13, 2014, at the reconvene hearing the tenant failed to attend. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the landlord.

At the hearing the landlord stated the tenant vacated the rental premises. Therefore, as the Applicant failed to attend the hearing by 9:40 A.M. The tenant's application is dismiss without leave to reapply.

The tenant is not entitled to recover the cost of the filing fee from the landlords.

Conclusion

The tenant's application is dismissed without 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: March 17, 2014

Residential Tenancy Branch

