



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding FADAK HOLDINGS LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR

Introduction

This hearing was set for a telephone conference call in response to an Application for Dispute Resolution (the "Application") made by the Tenant to cancel a notice to end tenancy for unpaid rent or utilities. An agent for the Landlord appeared for the hearing but there was no appearance by the Tenant despite the line being left open while the phone system was monitored for ten minutes. The Landlord's agent submitted that the Tenant had paid the outstanding rent and the tenancy was continuing; however, the Tenant is habitually paying rent late.

Analysis & Conclusion

Rule 10.1 of the Dispute Resolution Proceedings Rules of Procedure states 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.

As the Applicant did not attend the hearing by 1:40 p.m., and the Respondent appeared and was ready to proceed, I dismiss the Tenant's Application **without** leave to reapply.

The Tenant is cautioned with regards to section 26(1) of the Act which requires a Tenant to pay rent when it is due under a tenancy agreement. The Tenant is also cautioned about the Landlord's remedy to end the tenancy under section 47(1) (b) of the Act for repeatedly late payment of rent.

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: May 08, 2014

Residential Tenancy Branch

