



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Advanced Property Management  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC, CNR, MNDC, RR, FF, O

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;
- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47;
- a monetary order for compensation for damage or loss under the *Act*, regulation or tenancy agreement pursuant to section 67;
- an order to allow the tenant(s) to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65;
- authorization to recover the filing fee for this application from the landlord pursuant to section 72; and
- other unspecified remedies.

Both parties attended the May 28, 2014 hearing (the initial hearing) and were given a full opportunity to be heard, to present their sworn testimony, to make submissions, to call witnesses and to cross-examine one another.

On June 2, 2014, I issued an Interim Decision regarding an important element of the issues before me where the parties were able to resolve their dispute. In that Interim Decision, I gave effect to the parties' agreement to resolve the issues surrounding the 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) under the following terms:

1. Both parties agreed that this tenancy will end by 1:00 p.m. on June 10, 2014, by which time the tenant will have vacated the rental unit.

However, the parties were not able to resolve the monetary issues in dispute, despite attempting to do so. They committed to attempt to resolve these issues before an adjourned hearing that I set for August 7, 2014.

To provide clarity on the remaining portion of this tenancy and after considering the evidence provided to me at the initial hearing, I issued an Interim Order that the tenant pay no further rent to the landlord for the first 10 days of June 2014. In my Interim Decision, I noted that this was a partial order meant to create clarity and avoid further hardship to the tenant.

On June 12, 2014, the landlord sent the Residential Tenancy Branch (the RTB) a fax stating that the parties had settled the remainder of this matter and that the Dispute Resolution Hearing scheduled for August 7, 2014 was no longer necessary. As the application had been initiated by the tenant and not the landlord, the RTB attempted to contact the tenant to determine whether she agreed that this matter had been settled and there was no need to proceed with the August 7, 2014 hearing. Since the RTB received no confirmation from the tenant that this matter had been settled, I commenced the reconvened August 7, 2014 hearing in the event that the tenant was not satisfied that this matter had been settled.

Neither party attended at the appointed time set for the reconvened hearing, although I waited until 11:19 a.m. to enable them to participate in this hearing scheduled for 11:00 a.m.

Rule 10.1 of the Rules of Procedure provides as follows:

**10.1 Commencement of the hearing** 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.

Accordingly, **in the absence of anyone attending this reconvened hearing, I order the remainder of the tenant's application not considered as part of the Interim Decision dismissed with liberty to reapply.** I make no findings on the merits of the monetary matters that remained before me following the initial hearing. Liberty to reapply is not an extension of any applicable limitation period. 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: August 8, 2014

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Residential Tenancy Branch

