



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC

### Introduction

This hearing dealt with an Application for Dispute Resolution filed on October 9, 2014, by the Tenant to cancel a Notice to end tenancy issued for Cause.

No one was in attendance at the scheduled teleconference hearing.

### Issue(s) to be Decided

Should the Tenant's application be dismissed with or without leave to reapply?

### Background and Evidence

Documentary evidence was received on file from the Landlord on November 6, 2014 and included a copy of a signed Mutual Agreement to End Tenancy effective November 30, 2014.

No oral evidence was presented during the hearing as no one was in attendance.

### 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 an oral teleconference hearing.

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.

In the absence of the applicant Tenant and respondent Landlord, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of either party called into the hearing during this time. Based on the aforementioned I find the Tenant has failed to present the merits of their claim, and the application is dismissed, without leave to reapply.

Conclusion

**I HEREBY DISMISS** the Tenant's application, 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: November 21, 2014

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Residential Tenancy Branch

