



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 by the Tenant on November 28, 2014, to cancel a Notice to end tenancy issued for cause.

The hearing was conducted via teleconference and was attended by the Landlord who gave affirmed testimony. No one appeared on behalf of the Tenant despite this hearing being convened to hear the matters pertaining to the Tenant's application.

Issue(s) to be Decided

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

Background and Evidence

The Landlord submitted that the Tenant entered into a written six month fixed term tenancy that began in approximately November 2012. A subsequent one year fixed term tenancy was entered into for the month rent of \$900.00 that was due on or before the first of each.

The Landlord testified that the Tenant had initially gave him a cheque for the security deposit of \$450.00 and then asked him not to cash it. He stated that he never cashed the cheque so no security deposit was paid.

The Landlord stated that the Tenant had put a stop payment on her December 1, 2014 rent cheque and when he attempted to call her he found out that her telephone number had been disconnected. He attended the rental unit on December 18, 2014 and while there the Tenant came back to the rental unit. The Landlord stated that the police were called and during that meeting the Tenant agreed to move out by December 21, 2014 and was to leave the keys on the counter inside the rental unit. The Landlord said he attended the unit on December 21, 2014 and found the Tenant had moved out and left the keys on the counter as previously agreed.

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.

In the absence of the applicant Tenant, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the applicant Tenant called into the hearing during this time. The Landlord appeared and provided affirmed testimony that he regained possession of the rental unit on December 21, 2014.

Based on the aforementioned I find that the Tenant's application to cancel a Notice to end tenancy has no merit and the application is dismissed.

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: December 29, 2014

Residential Tenancy Branch

