



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNQ, CNR, FF, O, OLC

### Introduction

This hearing was convened upon the application of the tenant seeking:

- 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 2 Month Notice to End Tenancy Because the Tenant Does not Qualify for Subsidized Rental Unit pursuant to section 49.1;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- an "other" remedy, which relates to a request for compensation under sections 50 and 51 of the Act; and
- authorization to recover his filing fee for this application from the landlord pursuant to section 72.

While the respondents attended the hearing by way of conference call, the applicant did not, although I waited until 1340 in order to enable the applicant to connect with this teleconference hearing scheduled for 1330. I was told by the landlord's agent that the tenant was unlikely to appear as the matter had been settled. The landlord's agent informed me that the landlord was only appearing as a precautionary measure.

Rule 10.1 of the Rules of Procedure provides that:

**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 any evidence or submissions from the applicant and in the absence of the applicant's participation in this hearing, I order the application dismissed without leave to reapply.

Conclusion

The application is dismissed without liberty to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under subsection 9.1(1) of the *Residential Tenancy Act*.

Dated: December 15, 2014

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Residential Tenancy Branch

