



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF, MNDC, OLC

Introduction

The applicant tenant failed to attend the hearing at the scheduled start time. The respondent was present and ready to proceed. The telephone line conference line remained open and the phone system was monitored for ten minutes. The applicant failed to appear. I then proceeded with the hearing in the absence of the applicant. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the one month Notice to End Tenancy was sufficiently served on the Tenant by posting. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the landlord. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the one month Notice to End Tenancy dated February 6, 2015?
- b. Whether the tenant is entitled to a monetary order and if so how much?
- c. Whether the tenant is entitled to recover the cost of the filing fee?

Background and Evidence

The tenancy began on March 1, 2013. The tenancy agreement provided that the tenant(s) would pay rent of \$850 per month payable on the first day of each month. The tenant(s) paid a security deposit of \$425 at the start of the tenancy.

On February 19, 2015 the parties appeared before me and they reached a settlement that provided that they mutually agreed to end the tenancy on June 30, 2015. The decision letter provides that the application to cancel the Notice to End Tenancy dated February 6, 2015 was an issue raised in those proceedings. I granted an Order for Possession effective June 30, 2015 as a result of the settlement.

Analysis

The tenant failed to attend the hearing. As a result I dismissed her application. However, I note that the application to cancel the one month Notice to End Tenancy dated February 6, 2015 was part of that February 19, 2015 decision and its resolution was merged with the settlement recorded that date. Thus The Notice to End Tenancy dated February 6, 2015 is of no force and effect to the extent that it sets the end of tenancy for March 31, 2015. The tenancy will end on June 30, 2015 in accordance with the settlement recorded in the decision dated February 19, 2015. The landlord's request for an Order for Possession on March 31, 2015 is dismissed.

The tenant's application for a monetary order was not part of the February 19, 2015 hearing and is a new matter. The tenant did not appear at the hearing. As a consequence I ordered that the tenant's application to for a monetary order is dismissed without liberty to re-apply.

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: March 09, 2015

Residential Tenancy Branch

