



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, ERP, RP, PSF, FF

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("the *Act*") for cancellation of the landlord's 1 Month Notice to End Tenancy for Cause ("the 1 Month Notice") pursuant to section 47; an order to the landlord to provide services or facilities required by law pursuant to section 65; an order to the landlord to make repairs, or emergency repairs to the rental unit pursuant to section 33; and authorization to recover the filing fee for this application from the landlord pursuant to section 72.

The Respondent (the landlord) appeared at the date and time set for the hearing of this matter. The Respondent's daughter attended to testify as a witness and assist in the hearing and an interpreter for the Respondent also attended. The Applicant (the tenant) did not, although I waited until 11:15 a.m. to enable him to connect with this teleconference hearing.

Background, Evidence, Analysis

The landlord attended this hearing in response to the tenant's application. The tenant's application sought a variety of remedies including repairs and to cancel the 1 Month Notice to End Tenancy. The landlord's daughter provided sworn testimony that the tenant had vacated the rental unit. The landlord's daughter also testified that the tenant had signed an agreement to forfeit his security deposit for damage and unpaid rent.

Rule 10.1 of the Rules of Procedure provides as follows:

The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the dispute resolution proceeding 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's participation in this hearing, and given the sworn evidence provided by the landlord, I order the application dismissed without liberty to reapply.

Conclusion

I order the tenant's application dismissed without liberty 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: April 28, 2015

Residential Tenancy Branch

