



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNC

Introduction

The tenant applied to cancel a 1 month Notice to end tenancy for cause issued on March 30, 2015.

The tenant's advocate and the landlord were present at the hearing. The advocate was not assigned as agent for the tenant.

The landlord's witness provided affirmed testimony that he assisted the tenant in vacating the unit two weeks ago by helping him move to another rental unit.

The advocate has not had any contact with the tenant in the last several weeks and was not aware the tenant had vacated the rental unit.

This matter was set for hearing at 10:30 a.m. The tenant did not attend the hearing by 10:43 a.m. when the hearing was ended.

Residential Tenancy Branch Rules of Procedure provides:

10.1 Commencement of the dispute resolution proceeding

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 an appearance by the tenant by 10:43 a.m., this application is abandoned and dismissed without leave to reapply. The effective date of the Notice, April 30, 2015, has passed.

The landlord did not request an Order of possession, as allowed pursuant to section 55 of the Act, as he has possession and is confident the tenant has vacated.

Conclusion

The application is dismissed.

This decision is final and binding and 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: May 19, 2015

Residential Tenancy Branch

