



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR FF

Introduction

This hearing dealt with an Application for Dispute Resolution filed by the Tenant on June 12, 2015 seeking to obtain an Order to cancel a Notice to end tenancy issued for unpaid rent and to recover the cost of the filing fee from the for this application.

The Landlord and her Agent attended the scheduled teleconference hearing; however, no one attended on behalf of the Tenant despite this hearing being convened to hear matters pertaining to the Tenant's application.

Issue(s) to be Decided

Should this application be dismissed with or without leave to reapply?

Background and Evidence

There was no additional evidence or testimony provided in support of the Tenant's application as he did not attend the scheduled hearing.

The Landlord's Agent submitted that the Tenant vacated the rental property as of the first week of July 2015.

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.

Rule 10.1 of the Rules of Procedure provides as follows:

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.

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 Tenant called into the hearing during this time.

Based on the submissions of the Landlord's Agent, I conclude the Tenant's application to be meritless, as the Tenant vacated the rental unit. Therefore, in absence of the Tenant I dismissed the application, without leave to reapply.

Conclusion

The Tenant's application was found to be meritless and was dismissed, 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: August 10, 2015

Residential Tenancy Branch

