



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL

Introduction

This hearing was scheduled to hear matters pertaining to the Tenant's Application for Dispute Resolution. The Tenant filed their application on July 10, 2015 to seek an order to cancel a 2 Month Notice to end tenancy issued for landlord's use.

The hearing was conducted by teleconference and was attended by two agents for the Landlord. No one appeared at the hearing on behalf of the Tenant despite this hearing being scheduled 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 no one attended on behalf of the Tenant.

The Landlord's Agents submitted that the Tenant vacated the rental unit as of August 31, 2015, which was the effective date of the 2 Month Notice.

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.

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 applicant Tenant called into the hearing during this time.

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 any submissions from the applicant Tenant and in considerations of the submissions from the Agents, I find the Tenant failed to prove the merits of their application. Accordingly, I order the application dismissed without liberty to reapply.

Conclusion

The applicant Tenant did not appear at the scheduled teleconference hearing and his application 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: September 15, 2015

Residential Tenancy Branch

