



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, FF

### Introduction

Pursuant to section 58 of the *Residential Tenancy Act* ("Act"), I was designated to hear this matter. This hearing dealt with the tenant's application for:

- cancellation of the landlords' 1 Month Notice to End Tenancy for Cause, dated August 8, 2015 ("1 Month Notice"), pursuant to section 47; and
- authorization to recover the filing fee for this application from the landlords, pursuant to section 72.

While the respondent landlord ANGC ("landlord") attended the hearing by way of conference call, the applicant tenant did not, although I waited until 9:47 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 9:30 a.m.

The landlord confirmed that she received a copy of the tenant's application for dispute resolution hearing package ("Application").

Rule 10.1 of the Rules of Procedure provides as follows:

**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 the tenant's participation in this hearing, I order the tenant's entire Application dismissed without leave to reapply.**

Section 55(1) of the *Act* reads as follows:

**55 (1)** *If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director **must** grant an order of*

*possession of the rental unit to the landlord if, at the time scheduled for the hearing,*

*(a) the landlord makes an oral request for an order of possession, and*

*(b) the director dismisses the tenant's application or upholds the landlord's notice.*

The landlord testified that she did not wish to seek an order of possession for cause, pursuant to section 55 of the *Act*, against the tenant, despite the fact that the tenant's Application to cancel the 1 Month Notice was dismissed. The landlord confirmed that she had resolved this matter with the tenant and agreed for him to vacate the rental unit on December 31, 2015. The landlord confirmed that she was aware that the landlords' 1 Month Notice would be cancelled and that she would be required to issue a new notice to end tenancy for valid reasons if she wished to pursue an end to this tenancy.

### Conclusion

The tenant's entire Application is dismissed without leave to reapply. The tenant must bear the cost of his own \$50.00 filing fee.

The landlords' 1 Month Notice, dated August 8, 2015, is cancelled and of no force or effect.

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: October 30, 2015

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Residential Tenancy Branch

