



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, MNDC, PSF, MNSD, O, FF

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of the landlord's 2 Month Notice to End Tenancy for Landlord's Use of Property (the 2 Month Notice) pursuant to section 49;
- a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67;
- an order to the landlord to provide services or facilities required by law pursuant to section 65;
- an order for the landlord to return all or part of the security deposit; and
- authorization to recover her filing fee for this application from the landlord pursuant to section 72.

The tenant did not attend or submit any documentary evidence. The landlord and his agent attended the hearing by conference call and gave undisputed testimony. The landlord's agent stated that they did receive the tenant's notice of hearing package and is aware of the tenant's application.

This matter was set for a conference call hearing at 1:00 p.m. on this date. The tenant failed to attend the hearing by way of conference call. I waited until 13 minutes past the start of the scheduled hearing time in order to enable both parties to connect with this teleconference hearing.

Rule 7.1 of the Rules of Procedure provides that:

7.1 Commencement of the hearing

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

7.3 Consequences of not attending the hearing

If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply.

Accordingly, in the absence of any evidence or submissions from the tenant and in the absence of the tenant's participation in this hearing, I order the application dismissed without leave to reapply as the landlord and the landlord's agent were present to respond to the application. I make no findings on the merits of the matter.

At the end of the hearing, the landlord's agent provided a new mailing address for delivery of the decision.

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: November 06, 2015

Residential Tenancy Branch

