



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL CNR O

### Introduction

This hearing was convened to hear matters pertaining to an Application for Dispute Resolution filed by the Tenant on December 3, 2015. The Tenant filed seeking an order to cancel a 2 Month Notice to end tenancy for landlord's use; to cancel a 10 Day Notice for unpaid rent; and for other reasons.

The hearing was conducted via teleconference and was attended by the Landlord. No one appeared on behalf of the applicant Tenant.

### 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 appeared and submitted that the Tenant was completely moved out of the rental unit by December 31, 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.

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 I find the Tenant failed to prove the merits of their application. Accordingly, I ordered the application dismissed without liberty to reapply.

### Conclusion

The 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: January 27, 2016

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Residential Tenancy Branch

