



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

For the tenant – CNR, FF

For the landlord – OPR, OPC

Introduction

This hearing was convened by way of conference call in response to both parties' applications for Dispute Resolution. The tenant applied to cancel a Notice to End Tenancy for unpaid rent or utilities and to recover the filing fee from the landlord for the cost of this application. The landlord applied for Order of Possession for unpaid rent or utilities and an Order of Possession for cause.

The hearing was scheduled for 09.00 a.m. on this date to hear both parties' applications. The hearing went ahead as scheduled the tenant dialed into the conference call. The line remained open for 10 minutes; however, no one for the landlord dialed into the call.

Analysis and Conclusion

Rule 7.1 of the Residential Tenancy Branch Rules of Procedure provides as follows: Commencement of Hearing: The Dispute Resolution Hearing will commence at the scheduled time unless otherwise set by the Arbitrator. Rule 7.3 provides for the consequences of not attending the hearing and states: 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 reapply.

Based on the above I find that the landlord has failed to attend the hearing and the tenant did attend and was ready to proceed. Based on the above the landlords' application is dismissed without leave to reapply.

At the outset of the hearing the tenant advised that she vacated the rental unit on June 29, 2016. As the tenant has vacated the rental unit, the tenant no longer has a valid reason to proceed with her application to cancel the Notice to End Tenancy. The tenant did however request the return of her filing fee of \$100.00 from the landlord.

As this Application disclosed issues relating only to an ending of the tenancy and the Tenant has subsequently moved out of the rental suite, there are no legal findings for me to make in this matter. Therefore, I dismiss the Tenant's Application including the recovery of the filing fee.

The tenant's application is dismissed without leave to reapply.

The landlords' application is 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: July 11, 2016

Residential Tenancy Branch