



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding H & M REMPEL
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, MT

Introduction

This matter was set for hearing by telephone conference call at 11:00 a.m., in response to an Application for Dispute Resolution (the “Application”) made by the Tenant to cancel a notice to end tenancy and for more time to cancel the notice to end tenancy. The line was left open while the phone system was monitored for ten minutes and the only participant who called into the hearing was an agent for the Respondent Landlords named on the Application. The Landlord’s agent explained that the Tenant had vacated the rental suite via an Order of Possession obtained through another separate hearing.

Analysis & Conclusion

The Residential Tenancy Branch Rules of Procedure states that 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. As the Applicant did not appear for the scheduled hearing and has now vacated the rental unit, there are no legal findings for me to make on the Tenant’s Application. Therefore, I dismiss the Tenant’s Application **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: October 26, 2016

Residential Tenancy Branch