



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

CNC, ERP, MNDC, OLC, PSF, RP, RR

Introduction

This proceeding is in response to an application by the tenant for dispute resolution pursuant to the *Residential Tenancy Act* (the Act). The original hearing was reconvened to this date pursuant to an Interim Decision dated September 12, 2016.

In the Interim Decision I determined this proceeding would only deal with the tenant's request to set aside or cancel the landlord's Notice to End for Cause and I preliminarily dismissed the balance of the tenant's claims with leave to reapply.

No One for either party was in attendance for this reconvened date.

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 the applicant and respondent, the telephone line remained open and the phone system monitored for ten minutes and no one on behalf of either party called into the hearing during this time. Based on the aforementioned the application is hereby **dismissed**. I am satisfied that the landlord's Notice to End in this matter complies with Section 52 of the Act as to the form and content of the Notice, and, given that the effective date of the Notice (August 31, 2016) has passed, this matter of the tenant's application to cancel the landlord's Notice to End is **dismissed without leave to reapply**.

Conclusion

The tenant's application to cancel the landlord's Notice to End is **dismissed, without leave to reapply**.

The balance of the tenant's application is dismissed *with* leave to reapply. Leave to reapply is not an extension of any applicable limitation period in the Act.

This Decision is final and binding on both parties.

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 07, 2016

Residential Tenancy Branch