



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, FF

Introduction

This matter was set for hearing by telephone conference call at 9:00 a.m., in response to an Application for Dispute Resolution (the “Application”) made by the Tenant to cancel a notice to end tenancy for the Landlord’s use of the property, and to recover the filing fee. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time were the Landlord and two of the Landlord’s representatives. The Landlord explained that the Tenant had moved out of the rental unit.

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: November 24, 2016

Residential Tenancy Branch