



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPR, OPN, MND, MNR, MNSD, MNDC, FF (Landlord's Application)
CNR (Tenant's Application)

Introduction

This hearing was convened by telephone conference call at 11:00 a.m., in response to an Application for Dispute Resolution (the "Application") made by both the Tenant and the Landlord. The Tenant applied to cancel a notice to end tenancy for unpaid rent. The Landlord applied for an Order of Possession and a Monetary Order. The line remained open while the phone system was monitored for ten minutes and the only participant that dialed into the hearing was the Tenant. The Tenant explained that she had moved out of the rental unit and had not been served with any Application from the Landlord.

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. The Tenant's Application to cancel the notice to end tenancy is dismissed as the tenancy has now ended. As the Landlord failed to appear for the hearing to prove the Application and the Tenant appeared and was ready to proceed with the hearing, I hereby dismiss the Landlord'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 30, 2016

Residential Tenancy Branch