



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding IMH POOL XIV LP  
[tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes

CNR FF

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the 10 Day Notice) pursuant to section 46, and recovery of the filing fee pursuant to section 72.

Neither party attended at the appointed time set for the hearing, although I waited until 1:45p.m. to enable them to participate in this hearing scheduled for 1:30p.m.

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.

Accordingly, in the absence of anyone attending this hearing and in accordance with section 82(3) of the *Act*, I dismiss the tenant's application for cancellation of the landlord's 10 Day Notice. Liberty to reapply is not an extension of any applicable limitation period. As the filing fee is a discretionary award given to a successful party after a full hearing on its merits, which did not occur at this hearing, I dismiss the tenant's application to recover the \$100.00 filing fee.

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: December 13, 2016

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Residential Tenancy Branch