



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding LI-CAR MANAGEMENT GROUP  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      CNC CNR

### Introduction

This hearing was convened to hear matters pertaining to an Application for Dispute Resolution filed by the Tenant on October 25, 2016. The Tenant filed seeking an order to cancel a 1 Month Notice to end tenancy for cause and to cancel a 10 Day Notice to end tenancy for unpaid rent. The Tenant referenced the Landlord's application in which the Landlord was issued an Order of Possession the day the Tenant filed his application.

No one was in attendance at the scheduled teleconference hearing for either the Tenant or the Landlord.

### Issue(s) to be Decided

Should this application be dismissed with or without leave to reapply?

### Background and Evidence

There was no additional evidence or testimony provided as there was no one in attendance at the scheduled hearing.

### Analysis

Section 61 of the *Residential Tenancy Act* states that upon accepting an application for dispute resolution, the director must set the matter down for a hearing and that the Director must determine if the hearing is to be oral or in writing. In this case, the hearing was scheduled for an oral teleconference hearing.

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 Tenant and respondent Landlord, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of either party called into the hearing during this time.

As noted above, the Tenant made reference to the Landlord's application. That application granted the Landlord an Order of Possession on the same date the Tenant filed his application.

Based on the aforementioned I find the Tenant failed to prove the merits of his application. Accordingly, I dismissed the application, without leave to reapply.

### Conclusion

No one was in attendance at the scheduled hearing and the Tenant's application was dismissed, without leave to reapply.

This decision is final, legally binding, and 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 19, 2016

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Residential Tenancy Branch