



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Lucky Lodge Hotel
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: CNR

Introduction

This hearing was held in response to the tenant's application for dispute resolution made on January 6, 2017, in which the tenant has applied to cancel a 10 day Notice to end tenancy for unpaid rent. The Notice was issued on January 2, 2017, with an effective date of January 12, 2017.

This matter was set for hearing at 9:00 a.m. on this date.

Residential Tenancy Branch Rules of Procedure provides:

7.1 Commencement of the dispute resolution hearing

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

7.3 Consequences of not attending the hearing

If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply.

Neither party attended the hearing by 9:11 a.m.

Section 66(3) of the Act provides:

(3) The director must not extend the time limit to make an application for dispute resolution to dispute a notice to end a tenancy beyond the effective date of the notice.

As the tenant applied to dispute the Notice on January 6, 2017; I find that the latest possible effective date of the Notice in dispute was January 16, 2017.

Therefore, I find that this application is abandoned and dismissed without leave to reapply as the latest effective date, January 16, 2017, has passed. The tenant may not apply to dispute an eviction Notice if the effective date has passed.

Conclusion

The application is dismissed. This decision is final and 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: January 30, 2017

Residential Tenancy Branch