



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MT, CNR

Introduction

This hearing was held in response to the tenant's application for dispute resolution in which the tenant has applied for time to cancel a 10 day Notice to end tenancy for unpaid rent and utilities issued on January 6, 2017 and to cancel the Notice.

This matter was set for hearing at 10:30 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.

By 10:40 a.m. neither party had entered the conference call hearing.

The tenants' application indicates the tenant received the Notice on January 6, 2017. The Notice effective date is January 17, 2017. Section 66(3) of the Act prohibits any time extension beyond the effective date of a Notice ending tenancy.

Therefore, in the absence of an appearance of either party, as the effective date of the Notice has passed, I find that the application is dismissed.

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: February 07, 2017

Residential Tenancy Branch

