



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("Act") for:

- cancellation of the landlord's 2 Month Notice to End Tenancy for Landlord's Use of Property, dated December 3, 2016 ("2 Month Notice"), pursuant to section 49.

While the respondent landlord attended the hearing by way of conference call, the applicant tenant did not, although I waited until 9:40 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 9:30 a.m.

Pursuant to section 64(3)(c) of the *Act*, I amended the tenant's application to correct the landlord's first and middle names, which were listed in reverse order. The landlord confirmed his full legal name during the hearing. I find no prejudice to either party in making this amendment, which is now reflected in the style of cause for this decision.

Rule 7.3 of the RTB *Rules of Procedure* provides as follows:

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.

In the absence of any appearance by the tenant, I order the tenant's application dismissed without leave to reapply. The landlord confirmed that he did not require an order of possession pursuant to section 55 of the *Act* because the tenant had already vacated the rental unit. 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: February 10, 2017

Residential Tenancy Branch

