



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, ERP, RP, OLC, FF

Introduction

This hearing dealt with a Tenants' Application for Dispute Resolution, filed June 30, 2017, wherein the Tenant sought the following relief:

- an Order cancelling a 1 Month Notice to End Tenancy for Cause issued on June 26, 2017 (the "Notice");
- an Order that the Landlord:
 - comply with the *Residential Tenancy Act*, the *Regulations*, or the tenancy agreement; and,
 - make repairs, emergency or otherwise, to the rental unit; and
- to recover the filing fee.

The hearing occurred by telephone conference call and was to begin at 10:30 a.m. on September 12, 2017. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the Landlord.

Analysis and Conclusion

Rules 7.1 and 7.3 of the *Residential Tenancy Branch Rules of Procedure* provide as follows:

Commencement of Hearing:

The hearing must commence at the scheduled time unless otherwise decided by the arbitrator.

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.

As the Applicant Tenant did not attend the hearing by 10:40 a.m., and the Respondent Landlord appeared and was ready to proceed I dismiss the Tenant's claim without leave to reapply.

I am satisfied the Notice complies with section 52 of the *Residential Tenancy Act*, and therefore, pursuant to section 55(1), **I grant the Landlord an Order of Possession effective two (2) days after service.** The Landlord must serve the Order on the Tenant and may file and enforce the Order in the B.C. Supreme Court.

This decision is final and binding on the parties, except as otherwise provided under the Act, 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: September 12, 2017

Residential Tenancy Branch