



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding NELSON APARTMENTS LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, CNR, O

Introduction

This hearing was set for a telephone conference call at 9:00 a.m. to determine two applications filed by the Tenant. One application requested to cancel a notice to end tenancy for cause and the other pertained to a request to cancel a notice to end tenancy for unpaid rent, and for “Other” issues. The Landlord appeared for the hearing but the Tenant did not despite the telephone line being left open for ten minutes to allow the Tenant to dial into the hearing. The Landlord informed me that the Tenant had vacated the rental unit.

Analysis & Conclusion

Rule 7.3 of the Residential Tenancy Branch Rules of Procedure states 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 Tenant did not appear for the scheduled hearing and has now vacated the rental unit, there are no legal findings for me to make on the Tenant's Applications. Therefore, I dismiss both of the Tenant's Applications **without** leave to reapply. 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: October 25, 2017

Residential Tenancy Branch