



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding FIBRO HOLDINGS LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MT, CNC

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant seeking more time than prescribed to dispute a notice to end the tenancy and for an order cancelling a notice to end the tenancy for cause.

The tenant was represented at the hearing by a Legal Advocate, however the line remained open while the phone system was monitored for 10 minutes and no one for the landlord joined the call.

The tenant's Legal Advocate advised that the tenant has vacated the rental unit and withdraws the application.

The *Residential Tenancy Act*. states:

74 (4) A party to a dispute resolution proceeding may be represented by an agent or a lawyer.

The Rules of Procedure specify:

6.7 Party may be represented or assisted

A party to a dispute resolution hearing may be represented by an agent or a lawyer and may be assisted by an advocate, an interpreter, or any other person whose assistance the party requires in order to make his or her presentation.

In the absence of the tenant, I cannot consider the Legal Advocate to legally represent the tenant and withdraw the application. However, in the absence of the tenant, I dismiss the application.

The *Residential Tenancy Act* also states that where I dismiss a tenant's application to cancel a notice to end a tenancy given by a landlord, I must grant an Order of Possession in favour of the landlord, so long as the notice given is in the approved form. In this case, neither party has provided a copy of any notice, and therefore I cannot be satisfied that any notice given is in the approved form, and I decline to issue an Order of Possession in favour of the landlord.

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed.

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