



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ATIRA PROPERTY MANAGEMENT INC.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, MT

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution wherein he sought to cancel a 1 Month Notice to End Tenancy for Cause issued on September 21, 2017, as well as more time pursuant to section 66(1) of the *Act* to make such an application.

The hearing was scheduled for 10:30 a.m. on this date. The only person who called into the hearing was an advocate for the Tenant, S.M. She advised that she served the Landlord by registered mail. She also advised that she had lost contact with the Tenant and was therefore without any instructions.

Analysis and Conclusion

Rule 7 of the *Residential Tenancy Branch Rules of Procedure* provides in part as follow:

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.

7.4 Evidence must be presented

Evidence must be presented by the party who submitted it, or by the party's agent.

If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

While the Tenant's advocate appeared at the hearing, she was not able to proceed with the application as she did not have instructions. The Landlord was also not at the hearing despite being served. As neither party called into the hearing, I find it likely the parties reached an agreement, or the tenancy has already come to an end; consequently, I dismiss the Tenant's claim with leave to reapply. I note this does not extend any applicable time limits under the *Act*.

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: December 22, 2017

Residential Tenancy Branch