



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, CNR

Introduction and Analysis

This hearing dealt with an Application for Dispute Resolution (“application”) by the tenant under the *Residential Tenancy Act* (“Act”) to cancel a 1 Month Notice to End Tenancy for Cause (“1 Month Notice”) and to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (“10 Day Notice”).

The tenant was provided with a copy of the Notice of a Dispute Resolution Hearing dated February 5, 2018. The tenant; however, did not attend the teleconference hearing set for this date, Wednesday, April 4, 2018 at 9:30 a.m. Pacific Time. The phone line remained open for 12 minutes and was monitored throughout this time. The only person to call into the hearing was the landlord who indicated that he was ready to proceed. I have confirmed that file records support that the tenant did not make any attempt to cancel the hearing prior to the hearing.

Following the ten minute waiting period, the application of the tenant was **dismissed without leave to reapply** as the tenant failed to attend the hearing to present the merits of their application or at the very least cancel their scheduled hearing in advance of the hearing. The landlord did attend the hearing and was ready to proceed.

The landlord testified under oath that the tenant vacated the rental unit on February 25, 2018 and that he was not seeking an order of possession as a result.

Conclusion

The tenant’s application is dismissed without leave to reapply.

This decision does not extend any applicable time limits under the *Act*.

An order of possession was not granted as the landlord confirmed that the tenant has already vacated the rental unit and has returned possession of the rental unit back to the landlord by vacating.

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: April 4, 2018

Residential Tenancy Branch