



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Chelsea Manor Apartments
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR

Introduction

Pursuant to section 58 of the Residential Tenancy Act (the “Act”), I was designated to hear an application regarding the above-noted tenancy. The tenant applied for:

- Cancellation of the landlord’s 10 Day Notice to End Tenancy for Unpaid Rent pursuant to section 46

This matter was set for hearing by telephone conference call at 9:30 am on May 1, 2018. Neither party attended at the appointed time, although I waited 10 minutes to enable them to participate in this hearing. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that I was the only person who had called in to this teleconference.

Rule 7.3 of the Rules of Procedure provides as follows:

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 leaving to reapply.

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 Commencement of the hearing – The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

Conclusion

Accordingly, as neither the applicant nor the respondent attended the hearing by 9:45 am and in the absence of any evidence or submissions, **I order the application dismissed with leave to reapply.** I make no findings on the merits of the matter. The issuance of this decision does not extend any applicable deadlines under the Act.

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: May 01, 2018

Residential Tenancy Branch