



Dispute Resolution Services

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Residential Tenancy Branch Office of Housing and Construction Standards

A matter regarding CAPITAL J MANAGEMENT LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ET, FFT

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an early end to this tenancy and an Order of Possession pursuant to section 56 of the *Act*; and
- authorization to recover the landlord's filing fee for this application from the tenant pursuant to section 72 of the *Act*.

Neither party attended at the appointed time set for the participatory hearing, although I waited 10 minutes to enable them to participate in this hearing scheduled for 9:00 a.m. 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 into 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 leave to reapply.

After the hearing was completed I was informed that approximately 20 minutes prior to the start of the hearing, the landlord withdrew the above-noted Application for Dispute Resolution through the Residential Tenancy Branch online dispute website.

Rule 5.0.1 of the Residential Tenancy Branch Rules of Procedures provides as follows:

5.0.1 Withdrawal of an Application for Dispute Resolution

How to withdraw an application for dispute resolution

An applicant may withdraw an application for dispute resolution by notifying the Residential Tenancy Branch and providing a legible copy of any required documents, in one of the following ways:

- any time before the hearing, withdrawing the application through the Online Application for Dispute Resolution and either emailing any required documents to HSRTTO@gov.bc.ca including the file number in the subject line ("Withdrawal documents: file #") or providing hard copies of any required documents to any Service BC Office or the Residential Tenancy Branch Office....

In addition, 5.0.1 indicates that if the hearing is scheduled for less than one week away, the request may not be processed before the scheduled hearing. This may result in an arbitrator making a final and binding decision in the matter. If your dispute resolution hearing is scheduled for less than one week away, contact the Residential Tenancy Branch by phone or visit any Service BC Office or the Residential Tenancy Branch Office in person.

Accordingly, as neither the applicant nor the respondent attended the hearing, and as the hearing was scheduled for less than one week away when the applicant withdrew the application, I order the application dismissed without leave to reapply. I make no findings on the merits of the matter. The issuance of this decision with leave to reapply does not extend any applicable time limits under the *Act*.

Issue(s) to be Decided

Is the landlord entitled to an early end to this tenancy and an Order of Possession? Is the landlord entitled to recover the filing fee for this application from the tenant?

Conclusion

As noted above, I dismiss this Application for Dispute Resolution in its entirety 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: May 4, 2018

Residential Tenancy Branch