



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC, FFT

### Introduction

This hearing dealt with an application by the tenant pursuant to the *Residential Tenancy Act* (“the Act”) for an order as follows:

- to cancel a 1 Month Notice to End Tenancy given for Cause (“1 Month Notice”) pursuant to section 47 *Act*;
- repayment of the filing fee pursuant to section 72 (1) of the *Act*.

The landlord and the landlord’s advocate, S.T. attended at the hearing.

The tenant did not attend this hearing, although I left the teleconference hearing connection open until 1:45 PM in order to enable the tenant to call into the teleconference hearing scheduled for 1:30 P.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 the landlord along with her advocate and I were the only ones who had called into this teleconference.

All parties present were given a full opportunity to be heard, to present their sworn testimony and to make submissions.

### Issue(s) to be Decided

Is the tenant entitled to cancel the 1 Month Notice and to be repaid the filing fee?

### Background and Evidence

The landlord gave uncontradicted evidence that the tenant had been refunded the sum of \$600.00 and had in fact vacated the premises as of May 9, 2018. The tenant had also told the landlord that he would not be attending the hearing today.

### Analysis

Rule 7.1 of the Rules of Procedure provides as follows:

**7.1 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.

Accordingly, in the absence of any evidence or submissions on behalf of the applicant/tenant I order the tenant's application dismissed without liberty to reapply.

### Conclusion

As noted above, this Application for Dispute Resolution is dismissed 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: June 5, 2018

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Residential Tenancy Branch