



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 1043109 BC LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR

Introduction

This is an Application for Dispute Resolution (the “Application”) brought by the tenant requesting an Order to cancel a 10-Day Notice to End Tenancy dated May 8, 2018 for unpaid rent.

The tenant failed to attend at the appointed time set for the hearing, although I waited 14 minutes to enable her to participate in this hearing scheduled 9:30 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 the agent for the landlord and I were the only persons who had called into this teleconference.

Issue(s) to be Decided

Is the tenant entitled to an Order to cancel the 10-Day Notice to End Tenancy pursuant to section 46 (4) of the Residential Tenancy Act (“Act”)?

Analysis and Conclusion

Rule 7.3 of the Residential Tenancy Branch Rules of Procedure states if a party or their agent fails to attend a 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.

As the tenant failed to call into the conference call by 9:44 a.m., and has not presented any evidence on the merits, the Application is hereby **dismissed with leave to reapply**.

However, this does not extend any applicable time limits under the *Act* and I have made no findings of fact or law with respect to the merits of this Application.

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: July 4, 2018

Residential Tenancy Branch