



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FFT

Introduction

This decision pertains to the Tenant's application for dispute resolution made on May 31, 2018, under the *Residential Tenancy Act* (the "Act"). The Tenant seeks an order to cancel a Ten Day Notice to End Tenancy for Unpaid Rent or Utilities (the "Notice"), and a monetary order for recovery of the filing fee.

While I have reviewed all oral and documentary evidence submitted, only relevant evidence pertaining to the issues of this application is considered in my decision.

I note that section 55 of the Act requires that when a tenant applies for dispute resolution seeking to cancel a notice to end tenancy issued by a landlord, I must consider if the landlord is entitled to an order of possession if the application is dismissed and the landlord's notice to end tenancy complies with the Act.

Issues to be Decided

1. Is the Tenant entitled to an order to cancel the Notice?
2. If the Tenant is not entitled to an order to cancel the Notice is the Landlord entitled to an order of possession pursuant to section 55 of the Act?
3. Is the Tenant entitled to a monetary order for recovery of the filing fee?

Background and Evidence

The dispute resolution hearing was scheduled for a teleconference hearing on this date.

Rule 7.1 of the Rules of Procedure, under the Act, requires that a hearing start at the scheduled time unless otherwise set by the arbitrator.

Rule 7.3 permits an arbitrator to conduct a hearing in the absence of any party, and may make a decision or dismiss the application, with or without leave to re-apply.

A hearing regarding the application was scheduled to commence at 11:00 a.m. on July 23, 2018. I dialed into the teleconference at 11:00 a.m. and monitored the teleconference line until 11:10 a.m. Neither the Tenant nor the Landlord dialed into the teleconference during this time. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding. The Internet monitoring system indicated that I was the only person in attendance.

Analysis

I find that the application has been abandoned.

Conclusion

I dismiss the Tenant's application, with leave to reapply. However, this does not extend any applicable time limits under the legislation. I have not made any findings of fact or law with respect to the 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 Act.

Dated: July 23, 2018

Residential Tenancy Branch