



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ATIRA PROPERTY MANAGEMENT INC
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, MT

Introduction

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

- more time to cancel a notice, pursuant to section 66; and
- cancellation of the One Month Notice to End Tenancy for Cause, pursuant to section 47.

Neither the landlord or the tenant attended at the appointed time set for the hearing, although I waited 12 minutes to enable them to participate in this hearing scheduled for 11:00 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.

The tenant's support person attended the hearing at 11:09 a.m. but she submitted that she was not the tenant's agent. The support person further submitted that the tenant was supposed to meet her in her office so that they could attend the hearing together but that the tenant was not yet there.

Rule 7 of the Rules of Procedure provides as follows:

7.1 Commencement of the dispute resolution hearing

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. Rule 7.3 states that 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 re-apply.

Issues to be Decided

1. Is the tenant entitled to more time to cancel a notice, pursuant to section 66 of the *Act*?
2. Is the tenant entitled to cancellation of the One Month Notice to End Tenancy for Cause, pursuant to section 47 of the *Act*?

Conclusion

Based on the above, **in the absence of any evidence or submissions by either party or their agent(s), I order the application dismissed with liberty to reapply.** I make no findings on the merits of the matter. Liberty to reapply is not an extension of any applicable limitation period.

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: August 27, 2018

Residential Tenancy Branch