



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, LRE, OLC

Introduction

On August 20, 2018, the Tenant applied for a Dispute Resolution proceeding seeking to Cancel a Two Month Notice to End Tenancy for Landlord's Use of Property pursuant to Section 49 of the *Residential Tenancy Act* (the "*Act*"), seeking to Suspend or Set Conditions on the Landlord's Right to Enter pursuant to Section 70 of the *Act*, and seeking an Order to Comply pursuant to Section 62 of the *Act*.

On August 23, 2018, this matter was set down for a Dispute Resolution Hearing on October 11, 2018 at 9:30 AM.

Issue(s) to be Decided

- Is the Tenant entitled to have the Notice cancelled?
- If the Tenant is unsuccessful in cancelling the Notice, is the Landlord entitled to an Order of Possession?
- Is the Tenant entitled to an Order to suspend or set conditions on the Landlord's right to enter?
- Is the Tenant entitled to an Order that the Landlord comply?

Background and Evidence

This hearing was scheduled to commence via teleconference at 9:30 AM on October 11, 2018.

Rule 7.1 of the Rules of Procedure stipulates that 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.

I dialed into the teleconference at 9:30 AM and monitored the teleconference until 9:42 AM. Only the Respondent 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 Hearing. I also confirmed from the teleconference system that the Respondent was the only other person who had called into this teleconference.

Analysis

As the Applicant did not attend the hearing by 9:42 AM, I find that the Application for Dispute Resolution has been abandoned. Furthermore, as the Landlord advised that the Tenant had vacated the rental unit on September 1, 2018, an Order of Possession was not necessary to be granted.

Conclusion

I dismiss the Application for Dispute Resolution without leave to reapply. 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 *Residential Tenancy Act*.

Dated: October 12, 2018

Residential Tenancy Branch