



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC, OLC, FFT

### Introduction

This decision pertains to the tenant's application for dispute resolution under the *Residential Tenancy Act* (the "Act"). The tenant sought the following remedies:

1. an order cancelling a One Month to End Tenancy for Cause (the "Notice");
2. an order for the landlord to comply with the Act, the *Residential Tenancy Regulation* (the "Regulation"), or the tenancy agreement; and,
3. monetary compensation for recovery of the filing fee.

A dispute resolution hearing was convened on October 12, 2018, and the landlord attended, was given a full opportunity to be heard, to present affirmed testimony, to make submissions, and to call witnesses. The tenant did not attend.

### Issues

The issues that I must decide are whether the tenant is entitled to

1. an order cancelling the Notice,
2. an order for the landlord to comply with the Act, the Regulation, or the tenancy agreement, and
3. monetary compensation for recovery of the filing fee.

### Background and Evidence

The dispute resolution hearing commenced at 1:30 p.m. on October 12, 2018, and concluded at 1:40 p.m. At the end of the ten minutes of waiting for the tenant, the

landlord advised me that the tenant did not serve him with any notice regarding the hearing. I also note that the tenant did not submit any documentary evidence.

In reviewing Residential Tenancy Branch ("Branch") file information, I note that it appears that the tenant attempted to cancel the arbitration hearing on October 11, 2018. She left a voicemail and Branch staff attempted to contact her. Branch file information further indicates that the landlord sent an email to the Branch on October 10, 2018, in which he requested to cancel the hearing.

### Analysis

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. Further, 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.

In the absence of the tenant's testimony and any documentary evidence, I cannot make any findings of fact or law in regard to the issues of this application.

### Conclusion

I dismiss the tenant's application in its entirety 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 of the Act.

Dated: October 12, 2018

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Residential Tenancy Branch