



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

On September 11, 2018, the Tenant applied for a Dispute Resolution proceeding seeking to cancel a 10 Day Notice for Unpaid Rent pursuant to Section 46 of the *Residential Tenancy Act* (the “Act”).

The Landlord attended the hearing; however, the Tenant did not appear during the 11-minute hearing.

Background and Evidence

This hearing was scheduled to commence via teleconference at 9:30 AM on October 23, 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 9:41 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 confirmed during the hearing that the Applicant did not dial in and I also confirmed from the teleconference system that the only party who had called into this teleconference was the Landlord.

Analysis

As the Applicant did not attend the hearing by 9:41 AM, I find that the Application for Dispute Resolution has been abandoned.

I note that Section 55 of the *Act* requires that when a tenant submits an Application 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 has issued a notice to end tenancy that that complies with the *Act*.

As the Landlord's Notice is valid and as the Tenant has not attended the hearing, I uphold the Notice. However, as the Landlord advised that the Tenant had vacated the rental unit on September 30, 2018, I find that granting an Order of Possession was unnecessary.

Conclusion

I dismiss the Tenant's Application for Dispute Resolution 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(1) of the *Residential Tenancy Act*.

Dated: October 24, 2018

Residential Tenancy Branch