



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, LRE, MT

Introduction

The tenant filed an application for dispute resolution on August 2, 2018, pursuant to section 59 of the *Residential Tenancy Act* (the “Act”), seeking the following relief under the act:

1. an extension of time to file an application to cancel a notice, pursuant to section 66(1) of the Act;
2. an order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “Notice”), pursuant to section 46(4) of the Act; and,
3. an order suspending or restricting the landlord’s right to enter the rental unit, pursuant to section 70 of the Act.

This is my decision in respect of the tenant’s application.

Issues to be Decided

1. Is the tenant entitled to an extension of time to file an application to cancel a notice?
2. Is the tenant entitled to an order cancelling the Notice?
3. If the tenant is entitled to an order cancelling the Notice, is the tenant entitled to an order suspending or restricting the landlord’s right to enter the rental unit?
4. If the tenant is not entitled to an order cancelling the Notice, is the landlord entitled to an order of possession?

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. 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.

A hearing regarding the application was scheduled to commence at 9:30 a.m. on September 21, 2018. I dialed into the teleconference at 9:30 a.m. and monitored the teleconference line until 9:40 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 final and binding on the parties, unless otherwise provided under the Act, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Act.

Dated: September 21, 2018

Residential Tenancy Branch