



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, MT, OLC, PSF, RP, FFT

### Introduction

On August 2, 2018, the Tenant filed an Application for Dispute Resolution under the *Residential Tenancy Act* ("the *Act*") to cancel a One Month to End Tenancy for Cause (the Notice), more time to file the application, an order for the Landlord to comply with the *Act*, an order for the Landlord to provide services required by the tenancy agreement, an order for the Landlord to repair the rental unit and to recover the fee for this application. The matter was set for a conference call.

The Landlord attended the conference call hearing; however, the Tenant did not. As the Tenant is the applicant in this hearing, I find that the Tenant had been duly notified of the Notice of Hearing in accordance with the *Act*.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision

### Issues to be Decided

- Is the Tenant entitled to more time to file the application?
- Should the Notice to End Tenancy be cancelled?
- If not, is the Landlord entitled to an Order of Possession?
- Should the Landlord be ordered to comply with the *Act*?
- Should the Landlord be ordered to provide services required by the tenancy agreement?
- Should the Landlord be ordered to conduct repairs on the rental unit?
- Is the Tenant entitled to recover the filing fee for this application?

### Preliminary and Procedural Matters

At the start of the hearing, the Landlord testified that there had been a hearing yesterday where a decision regarding the Notice had already been made. The file numbers for the cross-application heard on August 6, 2018, are noted above on the style of cause page for this hearing.

I find that the Tenants application requesting to cancelling the Notice contains the same issues and concerns that were considered and decided on in an earlier hearing. Therefore, the Tenants application in relation to cancelling the Notice is dismissed as a binding decision has already been made regarding that matter.

I will proceed with this hearing on the other matters applied for in the Tenant's application.

### Analysis

Based on the above, the oral testimony and the documentary evidence, and on a balance of probabilities, I find as follows:

I find that the Tenant filed his application on August 2, 2018, and his matters were set for hearing by telephone conference call at 11:00 a.m. on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing was the Landlord.

Rules 7.1 and 7.3 of the Rules of Procedure provide as follows:

**7.1** The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

**7.3** 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.

Therefore, as the Tenants did not attend the hearing by 11:10 A.M, I dismiss the tenant's application with leave to reapply.

Conclusion

The Tenants' application is dismissed, with 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: September 7, 2018

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Residential Tenancy Branch