



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding METRO VANCOUVER HOUSING  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC, OLC, ERP, RP, PSF

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("Act") for:

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause, dated August 14, 2018 ("1 Month Notice"), pursuant to section 47;
- an order requiring the landlord to comply with the *Act*, *Residential Tenancy Regulation* or tenancy agreement, pursuant to section 62;
- an order requiring the landlord to perform emergency and regular repairs to the rental unit, pursuant to section 33; and
- an order requiring the landlord to provide services and facilities required by law, pursuant to section 65.

While the respondent landlord's agent ("landlord") attended the hearing by way of conference call, the applicant tenant did not, although I waited until 1:40 p.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 1:30 p.m. The landlord stated that she was area manager for the landlord company named in this application and that she had permission to speak on its behalf as an agent.

The landlord confirmed receipt of the tenant's application for dispute resolution hearing package. In accordance with sections 89 and 90 of the *Act*, I find that the landlord was duly served with the tenant's application.

Rule 7.3 of the Residential Tenancy Branch *Rules of Procedure* provides as follows:

*7.3 Consequences of not attending the hearing: 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.*

In the absence of any appearance by the tenant, I order the tenant's entire application dismissed without leave to reapply.

Pursuant to section 55 of the *Act*, if I dismiss the tenant's application to cancel a 1 Month Notice, the landlord is entitled to an order of possession if the notice meets the requirements of section 52 of the *Act*.

The landlord testified that both parties attended a previous RTB hearing on September 21, 2018, after which a decision of the same date was issued by a different Arbitrator. The file number for the previous hearing appears on the front page of this decision. The landlord stated that she withdrew the 1 Month Notice and continued the tenancy with the tenant at the previous hearing. She stated that she did not require an order of possession against the tenant.

For the above reasons, I do not issue an order of possession to the landlord.

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 02, 2018

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Residential Tenancy Branch