



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, CNC, FFT

### Introduction

This hearing convened as a Tenant's Application for Dispute Resolution, filed on October 9, 2018, wherein the Tenants requested an Order canceling a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (issued on October 2, 2018), a 1 Month Notice to End Tenancy for Cause (issued on September 27, 2018) and to recover the filing fee.

The hearing was conducted by teleconference at 9:30 a.m. on November 19, 2018.

Only the Tenant, M.R., called into the hearing. He gave affirmed testimony and as provided the opportunity to present the Tenants' evidence orally and in written and documentary form, and to make submissions to me.

The Landlord did not call into this hearing, although I left the teleconference hearing connection open until 9:59 a.m. Additionally, I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the Tenant and I were the only ones who had called into this teleconference.

As the Landlord did not call in, I considered service of the Tenants' hearing package. The Tenant testified that he personally served the Landlord with the Notice of Hearing and the Tenants' Application on October 10, 2018.

Branch records also confirm that the Landlord attended the residential tenancy branch on October 15, 2018 such that I am satisfied the Landlord was served with notice of this hearing. Consequently I proceeded with the hearing in the Landlord's absence.

Preliminary Matter—Prior Hearing

The Tenant confirmed that they attended a prior hearing on November 2, 2018. Branch Records confirm that a Decision was rendered on November 5, 2018 in which the Arbitrator found as follows:

*“The tenant had also filed a separate application to cancel two different notices to end tenancy issued by the landlord. The hearing for that application was scheduled for November 19, 2018. The parties advised that the tenant has vacated the rental unit as of October 31, 2018 and both parties agreed that the hearing scheduled for November 19, 2018 could be cancelled. I confirm that the hearing scheduled for November 19, 2018 for File # 31028784 is hereby cancelled and the tenant’s application is withdrawn.”*

The Tenant stated that he received an email reminder from the Branch on Friday November 16, 2018 regarding the hearing set for today. The Tenant also testified that he had yet to receive the November 5, 2018 Decision such that he was unaware of the outcome.

Conclusion

Pursuant to the November 2, 2018 hearing the Tenants’ Application filed October 9, 2018 was noted as withdrawn.

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: November 19, 2018

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Residential Tenancy Branch