



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ASH GROVE CEMENT COMPANY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC FFT OLC

Introduction

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

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47;
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62; and
- authorization to recover the filing fee for this application from the landlord, pursuant to section 72 of the *Act*.

The Applicant did not attend this hearing. The landlord's agent, GC, attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions.

Rule 7.3 of the 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 evidence or submissions from the applicant in the hearing, I order the tenant's application dismissed without liberty to reapply.

The landlord's agent testified in the hearing that the named tenant in this dispute is deceased, and that representatives for the tenant have been in discussion with the landlord to resolve this dispute. The landlord's agent confirmed that they are no longer

seeking an Order of Possession, and accordingly, I make no findings on the effectiveness of the 1 Month Notice issued to the tenant.

Conclusion

I dismiss the tenant's application for dispute resolution without leave to reapply.

The landlord remains at liberty to apply for an Order of Possession on the basis of the 1 Month Notice.

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: December 5, 2018

Residential Tenancy Branch