



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR

### Introduction

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

- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;

The hearing was conducted by conference call. The tenant did not attend this hearing, although I waited until 11:10 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 11:00 a.m. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence, and to make submissions.

I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the landlord and I were the only persons who had called into this teleconference.

Rule 7.1 of the Rules of Procedure provides as follows:

**7.1 Commencement of the hearing:** The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

Accordingly, **in the absence of any evidence or submissions from the applicant tenant, I order the tenant's application dismissed without liberty to reapply.** I make no findings on the merits of the matter.

The landlord testified that the parties had reached a mutual agreement whereby the 10 Day Notice would be cancelled and set aside, and that the tenancy would continue.

Therefore, the landlord provided testimony that he is not seeking an Order of Possession. Based on the foregoing, in dismissing the tenant's application without liberty to reapply, I do not need to consider section 55(1) of the Act, as the issue of the landlord pursuing an Order of Possession has been resolved by way of the landlord's affirmation that he does not wish to pursue an Order of Possession.

### Conclusion

The tenant's application is dismissed in its entirety, without 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: February 21, 2019

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Residential Tenancy Branch