



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding DSD HOLDINGS CORP.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Tenant on February 04, 2019 (the "Application"). The Tenant applied to dispute a One Month Notice to End Tenancy for Cause dated January 24, 2019.

The Tenant did not appear at the hearing. J.D., one of the owners of the rental unit, did appear for the Landlord. J.D. advised that the Tenant has vacated the rental unit. J.D. confirmed the Landlord is not seeking an Order of Possession based on the Notice in the circumstances.

J.D. advised that the landlord originally listed on the Application is an owner of the rental unit but that the landlord name should be the company name as noted on the tenancy agreement and Notice. I amended the Application to name the company as the landlord and this is reflected in the style of cause.

I waited 10 minutes, until 9:40 a.m., to allow the Tenant to participate in this hearing scheduled for 9:30 a.m. The Tenant did not call into the hearing.

I told J.D. I would dismiss the Application as the Tenant did not appear at the hearing. I told J.D. I would not issue an Order of Possession under section 55 of the *Residential Tenancy Act* (the "Act") given the Landlord is not seeking one.

Rule 7.3 of the Rules of Procedure states that an arbitrator can dismiss an application without leave to re-apply if a party fails to attend the hearing.

Here, the Tenant did not attend the hearing to provide evidence or a basis for disputing the Notice. In the absence of evidence from the Tenant, the Application is dismissed without leave to re-apply.

I decline to issue an Order of Possession pursuant to section 55 of the *Act* given the Landlord is not seeking one.

Conclusion

The Application is dismissed without leave to re-apply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: March 14, 2019

Residential Tenancy Branch