



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

Tenant: CNC
Landlord: OPC

Introduction

This hearing dealt with applications from both the tenant and the landlord pursuant to the *Residential Tenancy Act* (the *Act*).

The tenant applied for:

- cancellation of the landlord's One Month Notice to End Tenancy for Cause (One Month Notice) pursuant to section 47 of the *Act*.

The landlord applied for:

- an Order of Possession on the basis of the One Month Notice to End Tenancy for Cause pursuant to section 55 of the *Act*.

The landlord appeared at the date and time set for the hearing of this matter. The tenant did not attend this hearing, although I left the teleconference hearing connection open until 9:43 a.m. in order to enable the tenant to call into this teleconference hearing scheduled for 9:30 a.m. 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 landlord and I were the only ones who had called into this teleconference.

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.

Accordingly, in the absence of the tenant attending the hearing to provide any testimony, I order the tenant's application, in its entirety, dismissed without liberty to reapply.

At the outset of the hearing, the landlord explained that the tenant had vacated the rental unit at the end of April 2019, therefore the landlord had regained vacant possession of the rental unit and no longer required an order of possession.

As such, I find the landlord's application withdrawn as an order of possession is no longer required since the tenant's application has been dismissed and the tenant has vacated the rental unit.

Conclusion

The tenant's application is dismissed without leave to reapply.

As the landlord no longer requires an order of possession since he has regained vacant possession of the rental unit, the landlord's application is withdrawn.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: May 13, 2019

Residential Tenancy Branch