



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding VALLEY WEST HOMES INC
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, LRE, FFT

Introduction

On April 29, 2019, the Tenant applied for a Dispute Resolution proceeding seeking to Cancel a 10 Day Notice to End Tenancy for Unpaid Rent (the “Notice”) pursuant to Section 46 of the *Residential Tenancy Act* (the “Act”), seeking to set conditions on the Landlord’s right to enter pursuant to Section 70 of the *Act*, and seeking an Order for the Landlord to comply pursuant to Section 62 of the *Act*.

On May 2, 2019, this matter was set down for a Dispute Resolution Hearing on June 11, 2019 at 9:30 AM.

Issue(s) to be Decided

- Is the Tenant entitled to have the Notice cancelled?
- If the Tenant is unsuccessful in cancelling the Notice, is the Landlord entitled to an Order of Possession?
- Is the Tenant entitled to have conditions set on the Landlord’s right to enter?
- Is the Tenant entitled to recover the filing fee?

Background and Evidence

This hearing was scheduled to commence via teleconference at 9:30 AM on June 11, 2019.

Rule 7.1 of the Rules of Procedure stipulates that 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.

I dialed into the teleconference at 9:30 AM and monitored the teleconference until 9:41 AM. Neither the Applicant nor the Respondent dialed into the teleconference during this time. 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 I was the only person who had called into this teleconference.

Analysis

As the Applicant did not attend the hearing by 9:41 AM, I find that the Application for Dispute Resolution has been abandoned.

Conclusion

I dismiss the Application for Dispute Resolution with leave to reapply; however, this does not extend any applicable time limits under the legislation. I have not made any findings of fact or law with respect to the Application.

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: June 12, 2019

Residential Tenancy Branch