



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, MT

### Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Tenant on May 09, 2019 (the "Application"). The Tenant applied to dispute a One Month Notice to End Tenancy for Cause dated April 28, 2019 and for more time to file the dispute.

The Tenant did not appear at the hearing. The Agent appeared at the hearing for the Landlord. The Agent advised that the Tenant vacated the rental unit June 09, 2019. The Agent confirmed the Landlord is not seeking an Order of Possession given the Tenant has vacated.

I waited 10 minutes, until 11:10 a.m., to allow the Tenant to participate in this hearing scheduled for 11:00 a.m. The Tenant did not call into the hearing.

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 the Application. 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(1) of the *Residential Tenancy Act* (the "Act") given the Tenant has vacated and therefore 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: June 21, 2019

---

Residential Tenancy Branch