



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNC LRE OLC**

Introduction

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

- An order to cancel a One Month Notice to End Tenancy for Cause ("Notice") pursuant to section 47;
- An order to suspend a landlord's right to enter the rental unit pursuant to section 70; and
- An order for the landlord to comply with the Act, Regulations and/or tenancy agreement pursuant to section 62.

Both the landlord and tenant called into the hearing for the appointed time of 9:30 a.m. The tenant was assisted by an advocate, JA. As both parties were in attendance, service of documents was confirmed. The landlord confirmed receipt of the tenant's application for dispute resolution and evidence. The tenant confirmed receipt of the landlord's evidence. Based on the testimonies, I find each party was served with their respective materials in accordance with sections 88 and 89 of the Act.

Preliminary Issue

At 9:55 a.m., the landlord's connection to the teleconference ended. Between 9:55 a.m. and 10:00 a.m. the tenant, her advocate and I waited for the landlord to reconnect. No evidence was heard at this time. During this time, I confirmed the teleconference connection remained open and capable of receiving incoming participants calling in.

In accordance with rule 7.3, I reconvened the hearing in the landlord's absence at 10:00 a.m. and heard testimony from the tenant. The hearing concluded at 10:26 a.m.

At the conclusion of the hearing, I was advised by an information officer of the Residential Tenancy Branch who advised me she spoke to the landlord who was unable to call back into the teleconference hearing.

Given that the landlord contacted the Residential Tenancy Branch while the hearing was still in progress, I am satisfied the landlord's disconnection during the hearing was not an intentional action on his part. A final and binding order based on incomplete testimony of the parties would not only impact the landlord's right to natural justice and procedural fairness but would bring the administration of justice into disrepute.

This hearing is to be reconvened on the date identified in the Notice of Hearing document attached to this decision. No findings were made in the landlord's absence.

The parties may not upload or submit any further evidence.

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: August 13, 2019

Residential Tenancy Branch