



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

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

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47.

This matter was set for a conference call hearing at 9:30 a.m. on this date. The tenant did not attend. The landlord attended the hearing via conference call and provided undisputed testimony.

The landlord stated that she did receive the entire notice of hearing package from the tenant and she was aware of the issues and is prepared to respond to the tenant's request to cancel the 1 Month Notice. I find that the landlord has been sufficiently served as per section 90 of the Act.

I waited until 14 minutes past the start of the scheduled hearing time in order to enable both parties to connect with this teleconference hearing.

Rule 7 of the Rules of Procedure provides that:

7.1 Commencement of the dispute resolution hearing

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

7.2 Delay in the start of a hearing

In the event of a delay of a start of a conference call hearing, each party must stay available on the line to commence the hearing for 30 minutes after the time scheduled for the start of the hearing.

In the event of a delay of a face-to-face hearing, unless otherwise advised, the parties must remain available to commence the hearing at the hearing location for 30 minutes after the time scheduled for the start of the hearing.

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.

7.4 Evidence must be presented

Evidence must be presented by the party who submitted it, or by the party's agent. If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

Accordingly, in the absence of any evidence or submissions from the tenant and in the absence of the tenant's participation in this hearing, I order the application dismissed without leave to reapply. I make no findings on the merits of the matter.

The tenant's application was clarified with the landlord. The tenant seeks an order to cancel a 1 month notice to end tenancy issued for cause. However, a review of the submitted copy by the tenant which matches the same copy provided by the landlord shows no second page to the 2 page document (reason for cause). The second page provided by both parties is that of a 10 Day Notice to End Tenancy for Unpaid Rent. The landlord stated that a proper 2nd page was served to the tenant and as part of the documentary evidence submission by the landlord. A review of the evidence submissions shows 8 pages received by Service BC and 8 pages received by the Residential Tenancy Branch. The landlord was unable to clarify the omission of the 2nd page of the 1 month notice and a completed proof of service document. As such, I am unable to confirm the contents of the 1 month notice dated June 26, 2019 and cannot issue an order of possession pursuant to section 55 of the Act.

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 20, 2019

Residential Tenancy Branch