



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, LRE

### Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Tenant on June 12, 2019 (the “Application”). The Tenant applied to dispute a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities dated June 07, 2019 (the “Notice”). The Tenant sought to suspend or set conditions on the Landlord's right to enter the rental unit.

The Tenant did not appear at the hearing. The Landlord did appear. The Landlord advised that the Tenant had vacated the rental unit and therefore the Landlord was not seeking an Order of Possession.

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 for dispute resolution without leave to re-apply if a party fails to attend the hearing.

Here, the Tenant failed to attend the hearing and provide evidence regarding the Application or the dispute of the Notice. In the absence of evidence from the Tenant regarding the basis for the Application or the dispute of the Notice, the Application is dismissed without leave to re-apply.

I decline to issue the Landlord an Order of Possession pursuant to section 55 of the *Residential Tenancy Act* (the “Act”) as the Tenant has vacated the rental unit and the Landlord did not seek 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: August 02, 2019

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Residential Tenancy Branch