



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, CNC, FFT

Introduction

On July 11, 2019, the Tenant applied for a Dispute Resolution proceeding seeking to cancel a 10 Day Notice for Unpaid Rent (the “Notice”) pursuant to Section 46 of the *Residential Tenancy Act* (the “Act”), seeking to cancel a One Month Notice for Cause pursuant to Section 47 of the *Act*, and seeking to recover the filing fee pursuant to Section 72 of the *Act*.

The Landlord attended the hearing; however, the Tenant did not appear during the 11-minute hearing. All in attendance provided a solemn affirmation.

Background and Evidence

This hearing was scheduled to commence via teleconference at 11:00 AM on September 10, 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 11:00 AM and monitored the teleconference until 11:11 AM. Only 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 confirmed during the hearing that the Applicant did not dial in and I also confirmed from the teleconference system that the only party who had called into this teleconference was the Landlord.

The Landlord advised that the Tenant had given up vacant possession of the rental unit as of August 29, 2019. As such, an Order of Possession was not necessary.

Analysis

As the Applicant did not attend the hearing by 11:11 AM, I find that the Application for Dispute Resolution has been abandoned.

I note that Section 55 of the *Act* requires that when a Tenant submits an Application for Dispute Resolution seeking to cancel a notice to end tenancy issued by a Landlord, I must consider if the Landlord is entitled to an Order of Possession if the Application is dismissed and the Landlord has issued a notice to end tenancy that that complies with the *Act*.

However, as the Tenant has vacated the rental unit, an Order of Possession is not necessary to be granted. Furthermore, as the Tenant did not attend the hearing, I dismiss his Application without leave to reapply.

As the Tenant was not successful in his claims, I find that the Tenant is not entitled to recover the \$100.00 filing fee paid for this application.

Conclusion

I dismiss the Tenant's Application for Dispute Resolution without leave to reapply. As the Tenant has vacated the rental unit, an Order of Possession was not necessary to be granted.

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: September 10, 2019

Residential Tenancy Branch