



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: AAT, CNL, CNR, MNDCT, RPP

Introduction:

The Application for Dispute Resolution filed by the Tenant seeks the following:

- a. An order that the landlord allow access to the unit for the Tenant's guests.
- b. An order to cancel the two month Notice to End Tenancy dated April 4, 2019
- c. An order to cancel a 10 day Notice to End Tenancy dated October 2, 2019
- d. A monetary order in the sum of \$2800
- e. An order for the return of personal property.

The Tenant(s) Applicant failed to appear at the scheduled start of the hearing which was 11:00 p.m. on November 15, 2019. The landlord was present and ready to proceed. I left the teleconference hearing connection open and did not start the hearing until 10 minutes after the schedule start time in order to enable the tenant to call in. The tenant(s) failed to appear. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I then proceeded with the hearing. The landlord was given a full opportunity to present affirmed testimony, to make submissions and to call witnesses.

On the basis of the solemnly affirmed evidence presented at the hearing a decision has been reached. All of the evidence was carefully considered.

The landlord testified the tenant failed to pay the rent for October and a 10 day Notice to End Tenancy was served on the Tenant by posting. The landlord later served a 48 hour Notice that stated she wished to inspect the rental unit. The landlord entered the rental unit and it was apparent that the tenant was making packing in order to vacate the rental unit. The landlord was subsequently told by a friend of the Tenant had been incarcerated and would not be returning. The landlord determined the tenant had abandoned the rental unit. However, the tenant filed an application for a Tenant's Order of Possession and was granted an expedited hearing. On October 25, 2019 an arbitrator dismissed the Tenant's application without leave to re-apply.

The Tenant has made a number of claims in these proceedings some are not related to the possession of the rental unit. The Applicant has the burden of proof to present sufficient to establish his claims on a balance of probabilities.

Rule 7.3 of the Rules of Procedure provides as follows:

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.

As the Applicant failed to appear and the Respondent was present I ordered all claims in the Application for Dispute Resolution be dismissed without liberty to reapply. I determined it was not necessary to grant an Order of Possession as the Tenant's application to regain possession has been dismissed and the landlord has possession of the rental unit.

This decision is final and binding on the parties.

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: November 15, 2019

Residential Tenancy Branch