



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OLC, FFT

Introduction

This hearing dealt with an Application for Dispute Resolution (“Application”) by the Tenant seeking remedy under the *Residential Tenancy Act* (“Act”):

- to cancel a One Month Notice to End Tenancy for Cause (“One Month Notice”);
- for an Order for the Landlord to Comply with the Act or tenancy agreement; and
- to recover the \$100.00 cost of their Application filing fee.

The Tenant was provided with a copy of the Notice of a Dispute Resolution Hearing on October 18, 2019; however, the Tenant did not attend the teleconference hearing scheduled for December 6, 2019 at 11:00 a.m. (Pacific Time). The phone line remained open for ten minutes and was monitored throughout this time. The only persons to call into the hearing were the respondent Landlords, Z.G. and D.L., who indicated that they were ready to proceed.

Rule 7.1 of the Residential Tenancy Branch Rules of Procedure (“Rules”) states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. The Respondent Landlords and I attended the hearing on time and were ready to proceed, and there was no evidence before me that the Parties had agreed to reschedule or adjourn the matter; accordingly, I commenced the hearing at 11:00 a.m. on December 6, 2019, as scheduled.

Rule 7.3 states that 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 reapply. The teleconference line remained open for ten minutes; however, neither the Applicant nor an agent acting on his behalf attended to provide any evidence or testimony for my consideration. As a result, and pursuant to Rule 7.3, I **dismiss the Tenant’s Application without leave to reapply.**

Conclusion

The Tenant's Application is dismissed without leave to reapply, as the Tenant or an Agent for the Tenant did not attend the hearing to present the merits of the Application. The Respondent Landlord did attend the hearing and said they are not interested in an Order of Possession, as the Tenant made the required repairs that led to the service of the One Month Notice, so they have withdrawn this notice.

This Decision does not extend any applicable time limits under the Act. This Decision will be emailed to the address provided by the Landlords during the hearing and to the email address provided by the Tenant in the Application.

This Decision is final and binding on the Parties, except as otherwise provided under the Act, and 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: December 08, 2019

Residential Tenancy Branch