Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: CNR, LAT, LRE, MNDCT, MT, OLC, PSF

Introduction:
The Application for Dispute Resolution filed by the Tenant seeks the following:
   a. An order to cancel the 10 day Notice to End Tenancy dated September 25, 2019.
   b. An order for more time to make this application
   c. An order authorizing the Tenant to change the locks
   d. An order suspending or setting conditions on the landlord's right to enter the rental unit.
   e. An order for a monetary order in the sum of $10,000
   f. An order that the landlord comply with the Residential Tenancy Act, Regulations and or tenancy agreement
   g. An order that the landlord provide services or facilities required by the tenancy agreement or law

The tenant(s) Applicant failed to appear at the scheduled start of the hearing which was 9:30 a.m. on December 19, 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 that she was never served with a copy of the Application for Dispute Resolution/Notice of Hearing and that she only became aware of the hearing after receiving a reminder e-mail from the Residential Tenancy Branch. She further testified that the tenant vacated the rental property on or about November 17, 2019 and that there is outstanding rent. .

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 the application dismissed without liberty to reapply.**

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: December 19, 2019

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Residential Tenancy Branch