



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC OLC

### Introduction and Analysis

This hearing dealt with an Application for Dispute Resolution (application) by the tenant seeking remedy under the *Residential Tenancy Act* (the Act) to cancel a 1 Month Notice to End Tenancy for Cause dated November 3, 2019 (1 Month Notice) and for an order directing the landlord to comply with the Act, regulation or tenancy agreement.

The tenant was provided with a copy of the Notice of a Dispute Resolution Proceeding dated November 21, 2019 (Notice of Hearing). The tenant however, did not attend the teleconference hearing set for this date, Monday, January 13, 2020 at 11:00 a.m. Pacific Time. The phone line remained open for 35 minutes and was monitored throughout this time. The only person to call into the hearing was the landlord who indicated that they were ready to proceed. I have confirmed that file records support that the tenant did not make any attempt to cancel the hearing prior to the hearing.

Following the ten-minute waiting period, the application of the tenant was **dismissed without leave to reapply** as the tenant failed to attend the hearing to present the merits of their application or at the very least cancel their scheduled hearing in advance of the hearing. This is pursuant to Rule 7.1 and 7.3 of the Residential Tenancy Branch Rules of Procedure. The landlord did attend the hearing and was ready to proceed.

The landlord affirmed that they already have an order of possession from a previous hearing, the file number of which has been included on the cover page of this decision for ease of reference.

### Conclusion

The tenant's application is dismissed without leave to reapply.

This decision does not extend any applicable time limits under the Act.

This decision will be emailed to both parties at the email address provided by the tenant in their application and the email address confirmed by the landlord during the hearing.

As the landlord already has an order of possession, I do not need to consider an order of possession further.

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: January 13, 2020

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Residential Tenancy Branch