



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC

### Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47.

The tenant did not attend, but an individual identifying himself as, E.B. called into the conference call hearing. The landlord and her agent (the landlord) attended the hearing via conference call. E.B. stated that he was the tenant's brother and would like to speak on behalf of the tenant. The landlord argued that they did not know who this person was and objected to him acting for the tenant. E.B. stated that when his brother filed the application for dispute on December 5, 2019, he had previously booked an airline flight out of the country (international flight) in October 2019 to visit his niece. E.B. stated that departure flight was scheduled for 1:30pm on this scheduled hearing date but was re-scheduled to 9:30am. E.B. stated that no documents were filed authorizing him to act as an agent. E.B. suggested having their father call in to act as an agent. The landlord argued that the father was not known to the landlord and objected to him appearing as well. E.B. stated that their father would not have any further evidence or authority to act for the tenant.

Rule 7 of the Rules of Procedure provides that:

### **7.1 Commencement of the dispute resolution hearing**

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

### **7.2 Delay in the start of a hearing**

In the event of a delay of a start of a conference call hearing, each party must stay available on the line to commence the hearing for 30 minutes after the time scheduled for the start of the hearing.

In the event of a delay of a face-to-face hearing, unless otherwise advised, the parties must remain available to commence the hearing at the hearing location for 30 minutes after the time scheduled for the start of the hearing.

**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.

**7.4 Evidence must be presented**

Evidence must be presented by the party who submitted it, or by the party's agent.

If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

Accordingly, in the absence of any evidence or submissions from the tenant and in the absence of the tenant's participation in this hearing, I order the application dismissed with leave to reapply. I make no findings on the merits of the matter.

Conclusion

The tenant's application is dismissed with leave to reapply. Leave to reapply is not an extension of any applicable limitation period.

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: January 24, 2020

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Residential Tenancy Branch