



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FFT

Introduction

The tenant filed an Application for Dispute Resolution on December 3, 2019 seeking an order that the landlord cancel or withdraw the One Month Notice to End Tenancy (the “Notice”). The tenant also made a request for an order granting recovery of the fee for filing the Application in this matter. The matter proceeded by way of a hearing pursuant to section 74(2) of the *Residential Tenancy Act* (the “Act”) on January 27, 2020.

Neither the tenant nor the landlord attended the hearing, although I left the teleconference hearing connection open until 11:10 a.m. to enable the parties to call in to this teleconference hearing scheduled for 11:00 a.m.

I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed throughout the duration of the call that neither party was in attendance.

Rule 7.3 of the Rules of Procedure provides that if a party or their agent fails to attend the hearing, the arbitrator may conduct the hearing in the absence of that party or dismiss the application without leave to reapply.

Issue(s) to be Decided

Is the tenant entitled to an order that the landlord cancel or withdraw the One Month Notice to End Tenancy for cause?

Is the tenant entitled to recover the filing fee for this application pursuant to section 72 of the *Act*?

Conclusion

As the applicant did not attend to present their application, I dismiss the tenant's application for a cancellation of the Notice, with leave to reapply. While I have provided leave to re-apply, it does not extend to any applicable time limits under the *Act* and I made no legal findings on the merits of the dispute.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: January 29, 2020

Residential Tenancy Branch