



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

On December 6, 2019 the Tenant submitted an Application for Dispute Resolution (the “Application”), seeking relief pursuant to the *Residential Tenancy Act* (the “Act”) for the following:

- an order cancelling a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities; dated December 4, 2019 (the “10 Day Notice”).

The hearing was scheduled for 11:00 A.M. on February 3, 2020 as a teleconference hearing. Only the Landlord appeared at the hearing. No one called in for the Tenant. The conference call line remained open and was monitored for 11 minutes before the call ended. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the Landlord and I were the only persons who had called into this teleconference.

Therefore, as no one attended the hearing for the Tenant by 11:11 A.M., I dismiss the Tenant’s claims without leave to reapply.

I note that Section 55 of the *Act* requires that when a tenant submits an Application seeking to cancel a Notice to End Tenancy issued by a landlord, I must consider if the landlord is entitled to an Order of Possession if the Application is dismissed and the landlord has issued a Notice to End Tenancy that is compliant with section 52 of the *Act*.

The Landlord confirmed during the hearing that the Tenant has since vacated the rental unit on December 31, 2019; therefore, the Landlord is no longer seeking an order of possession in relation to the 10 Day Notice.

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: February 03, 2020

Residential Tenancy Branch