



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CANMEX HOLDINGS LTD.
and [tenant name suppressed to protect privacy]

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 the scheduled conference call hearing. The tenant's advocate, E.R., the landlord's agent, R.B. and S.M. attended the hearing via conference call and provided testimony.

At the outset, the tenant's advocate stated that she was given instructions that the reasons on the notice were in dispute, but that the tenant had indicated that she no longer wished to reside at the rental unit. The landlord's stated that the tenant had vacated the rental unit and had allowed other guests to occupy the space without any notice.

This matter was set for a conference call hearing at 9:30 a.m. on this date. The tenant did not attend. The landlord attended the hearing via conference call and provided undisputed testimony. The landlord confirmed receipt of the tenant's notice of hearing package and the tenant's submitted documentary evidence. The landlord stated that the tenant had vacated the rental unit and allowed two guests to occupy the rental premises. The landlord seeks an end to the tenancy. I accept the undisputed evidence of the landlord and find that the tenant has properly served the landlords with the notice of hearing package and the submitted documentary evidence. I find that the landlord have been sufficiently served as per section 90 of the Act.

I waited until 11 minutes past the start of the scheduled hearing time in order to enable both parties to connect with this teleconference hearing.

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 without leave to reapply. I make no findings on the merits of the matter.

Pursuant to section 55 of the Act the landlords were granted an order of possession at 31 minutes past the start of the scheduled hearing time.

The order of possession must be served upon the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

During the hearing the landlord provided an email address for delivery of the decision.

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: March 13, 2020