



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, MT, FFT

Introduction

This hearing dealt with an Application for Dispute Resolution (“Application”) by the Tenant seeking remedy under the *Residential Tenancy Act* (“Act”) for an Order to cancel the 10 Day Notice to End Tenancy for Unpaid Rent dated January 6, 2020, for more time to apply to cancel the Notice, and to recover the \$100.00 cost of his Application filing fee.

The Tenant was provided with a copy of the Notice of a Dispute Resolution Hearing on January 17, 2020; however, the Tenant did not attend the teleconference hearing scheduled for March 19, 2020 at 9:30 a.m. (Pacific Time). The phone line remained open for 21 minutes and was monitored throughout this time. The only persons to call into the hearing were the Respondent Landlord, and an agent for the Landlord, K.B. (“Agent”), who indicated that they were ready to proceed.

Rule 7.1 of the Residential Tenancy Branch Rules of Procedure (“Rules”) states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. The Respondent Landlord, his Agent, and I attended the hearing on time and were ready to proceed, and there was no evidence before me that the Parties had agreed to reschedule or adjourn the matter; accordingly, I commenced the hearing at 9:30 a.m. on March 19, 2020, as scheduled.

Rule 7.3 states that 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 reapply. The teleconference line remained open for 21 minutes, however, neither the Applicant nor an agent acting on his behalf attended to provide any evidence or testimony for my consideration. As a result, and pursuant to Rule 7.3 and section 62 of the Act, I dismiss the Tenant’s Application wholly without leave to reapply.

Conclusion

The Tenant's Application is dismissed without leave to reapply, as neither the Tenant nor an agent for the Tenant attended the hearing to present the merits of the Application. The Respondent Landlord did attend the hearing.

This Decision will be emailed to the address provided by the Landlord during the hearing and to the email address provided by the Tenant in the Application.

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: March 19, 2020

Residential Tenancy Branch