



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding URBAN PACIFIC PROPERTY MANAGEMENT LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, FFT

Introduction

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

- cancellation of the landlords' 1 Month Notice to End Tenancy for Cause, dated January 31, 2020 ("1 Month Notice"), pursuant to section 47; and
- authorization to recover the filing fee for this application, pursuant to section 72.

While the individual landlord ("landlord") attended the hearing by way of conference call, the applicant tenant did not, although I waited until 11:11 a.m. in order to enable the tenant to connect with 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 from the teleconference system that the landlord and I were the only people who called into this teleconference.

The landlord confirmed that he is a property manager for the landlord company named in this application and that he had permission to speak on its behalf. He said that he also had permission to speak on behalf of the owner of the rental unit.

The landlord stated that he did not receive the tenants' application for dispute resolution hearing package. He claimed that the tenant sent him an email alerting him to a Residential Tenancy Branch ("RTB") hearing and he received an email from the RTB reminding him to submit evidence for this hearing. He said that he called into the RTB and obtained the calling information to call into the hearing today.

Rule 7.3 of the RTB *Rules of Procedure* provides as follows:

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.

In the absence of any appearance by the tenant, I order the tenant's entire application dismissed without leave to reapply.

During the hearing, I informed the landlord that pursuant to section 55 of the *Act*, if I dismissed the tenant's application to cancel a 1 Month Notice, the landlords were entitled to an order of possession if the notice met the requirements of section 52 of the *Act*.

The landlord stated that an order of possession was not required because the tenant vacated the rental unit on February 28, 2020 and the landlords took back possession of the unit. For the above reason, I do not issue an order of possession to the landlords. I informed the landlord of this during the hearing and he agreed to same.

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: April 06, 2020

Residential Tenancy Branch