



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET, FFL

Introduction

This Emergency hearing dealt with the landlord's application under the *Residential Tenancy Act* (the *Act*) for the following:

- An Order for Early Termination of Tenancy and an Order of Possession pursuant to section 56 of the *Act*.

The landlord did not appear at the hearing. I kept the teleconference line open from the scheduled time for the hearing for an additional ten minutes to allow the landlord the opportunity to call. The teleconference system indicated only the tenant and I had called into the hearing. I confirmed the correct call-in number and participant codes for the landlord had been provided. I proceeded with the hearing.

Rule of Procedure 7.3 states:

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.

At the outset of the hearing the tenant affirmed that he left the rental unit on May 31, 2020. The landlord had applied for an order for the early termination of tenancy and an order of possession. This claim is now moot since the tenancy has ended.

Section 62(4) (b) of the *Act*, an Arbitrator may dismiss all or part of an application for dispute resolution which does not disclose a dispute that may be determined under the *Act*. I exercise my authority under section 62(4)(b) of the *Act* to dismiss this application for Dispute Resolution.

Accordingly, I dismiss the landlord's application without leave to apply. The landlord must bear the cost of the filing fee.

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 June 10, 2020

Residential Tenancy Branch