



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC, RP

### Introduction

I was designated to hear this matter pursuant to section 58 of the *Residential Tenancy Act* (the *Act*). This hearing dealt with the tenant's application for:

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47; and
- an order to the landlord to make repairs to the rental unit pursuant to section 32.;

The Respondent's Agent called into this teleconference hearing at the date and time set for the hearing of this matter. The Applicant did not, although I waited until 11:11 a.m. to enable them 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. During the hearing, I also confirmed from the teleconference system that the Respondent and I were the only persons who had called into this teleconference.

At the hearing, the Respondent's Agent testified that there was no need to consider the issuance of an Order of Possession with respect to this tenancy, as the Landlord had already received one by way of a July 24, 2020 decision (see above file reference number) with respect to the Landlord's own application for an end to this tenancy. The Respondent's Agent said that the Landlord obtained vacant possession of this rental unit on August 1, 2020.

Rule 10.1 of the Rules of Procedure provides as follows:

**10.1 Commencement of the hearing** The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

**Accordingly, in the absence of any attendance at this hearing by the Applicant I order the application dismissed without liberty to reapply.**

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: August 20, 2020

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Residential Tenancy Branch