



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Century 21 In Town Realty
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, OLC, FFT

The tenant filed an Application for Dispute Resolution on August 12, 2020 for a cancellation of the One-Month Notice to End Tenancy for Cause (the “One-Month Notice”) issued by the landlord. Additionally, they applied for an order that the landlord comply with the legislation and/or the terms of the tenancy agreement.

The tenant did not attend the hearing. I left the teleconference hearing open until 9:48 a.m. to enable the tenant to call in to this teleconference hearing scheduled for 9:30 a.m. I confirmed that the correct call-in numbers and participant code was provided in the Notice of Hearing. I also confirmed throughout the duration of the call that the tenant was not in attendance.

I amend the tenants’ Application to accurately name the landlord as provided for in the tenancy agreement. That landlord attended and spoke to the matter at hand, stating that they signed a Mutual Agreement to End Tenancy with the tenant. This was after the tenant advised they wished to move out on August 26, 2020. The parties signed the agreement on August 28, 2020.

The landlord briefly outlined their reasons for issuing the One-Month Notice and stated they incurred a number of expenses and costs due to the abrupt end of tenancy.

Rule 7.3 of the Rules of Procedure provides that if a party or their agent fails to attend the hearing, the arbitrator may conduct the hearing in the absence of that party or dismiss the application without leave to re-apply.

Given that the tenancy has ended, the validity of the One-Month Notice is not in issue. There also is no need for a decision on the landlord’s compliance with the *Act*, the regulations, and/or the tenancy agreement. The issues are concluded.

For these reasons, I dismiss the tenants Application. As they did not withdraw their Application, I grant no repayment of the Application filing fee.

Conclusion

The tenants' Application is dismissed without leave 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 *Act*.

Dated: October 1, 2020

Residential Tenancy Branch