



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PHS COMMUNITY SERVICES
SOCIETY and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, LRE, RR

Introduction

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

- cancellation of the landlord's One Month Notice to End Tenancy for Cause, dated August 12, 2020 ("1 Month Notice"), pursuant to section 47;
- an order restricting the landlord's right to enter the rental unit, pursuant to section 70; and
- an order allowing the tenant to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65.

While the landlord's two agents, landlord AT ("landlord") and "landlord VC," attended the hearing by way of conference call, the applicant tenant did not, although I waited until 9:41 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 9:30 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's two agents and I were the only people who called into this teleconference.

The landlord confirmed that he is the senior manager of housing and landlord VC confirmed that she was the project housing manager for the landlord company named in this application and that they had permission to speak on its behalf.

The landlord confirmed receipt of the tenant's application for dispute resolution hearing package. In accordance with sections 89 and 90 of the *Act*, I find that the landlord was duly served with the tenant's application.

Rule 7.3 of the Residential Tenancy Branch *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 landlord was entitled to an order of possession if the notice meets the requirements of section 52 of the *Act*.

The landlord stated that an order of possession was not required, and the landlord's 1 Month Notice was cancelled because the matter was resolved with the tenant. For the above reason, I do not issue an order of possession to the landlord. I informed the landlord of this during the hearing and he agreed to same.

The landlord's 1 Month Notice, dated August 12, 2020, is cancelled and of no force or effect.

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: October 06, 2020

Residential Tenancy Branch