



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MNDC, LRE, FF

Introduction, Preliminary and Procedural Matters-

This telephone conference call hearing was convened as the result of the tenant's application for dispute resolution under the Residential Tenancy Act (Act) for:

- an order cancelling the One Month Notice to End Tenancy for Cause (Notice) issued by the landlord;
- compensation for monetary loss or other money owed;
- an order suspending or setting conditions on the landlord's right to enter the rental unit; and
- recovery of the filing fee.

The hearing began at 9:30 a.m. Pacific Time on Friday, October 2, 2020, as scheduled and the telephone system remained open and was monitored for 14 minutes. During this time, the tenant did not call into the hearing; however, the landlord was present and ready to proceed with the hearing.

At the hearing, the landlord said the tenant listed his surname incorrectly. I have amended the application to reflect the correct surname for the landlord.

Additionally, the landlord said the tenant vacated the rental unit in mid-September 2020, after filing this application.

Rules 7.3 and 7.4 of the 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.

7.4 Evidence must be presented

Evidence must be presented by the party who submitted it, or by the party's agent. If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

Accordingly, **in the absence of any evidence or submissions from the tenant/applicant, I order the application dismissed.**

As the respondent/landlord attended and was ready to proceed, I dismiss the tenant's application, **without leave to reapply.**

As the landlord said the tenancy was over as the tenant vacated the rental unit in mid-September, I do not find it necessary to grant the landlord an order of possession of the rental unit.

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 2, 2020

Residential Tenancy Branch