



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, FFT

### Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution, filed on September 2, 2020,

This matter was set for hearing by telephone conference call at 9:30 a.m. on this date. The line remained open until 9:49 a.m. and the only participant who called into the hearing during this time was the Respondent Landlord. 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 and I were the only ones who had called into this teleconference.

### Analysis and Conclusion

Rules 7.1 and 7.3 of the *Residential Tenancy Branch Rules of Procedure* provide as follows:

#### **Commencement of Hearing:**

The hearing must commence at the scheduled time unless otherwise decided by the arbitrator.

#### **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.

As the Applicant, the Tenant bears the burden of proving their claim on a balance of probabilities. As the Tenant did not call into the hearing by 9:49 a.m., and the

Respondent called in and was ready to proceed, I dismiss the Tenant's claim without leave to reapply.

While a Landlord is entitled to an Order of Possession pursuant to section 55 of the *Act* in such circumstances, the Landlord advised that the Tenant vacated the rental unit sometime in September. Accordingly, an Order of Possession is not required as the Tenant has already given up possession of the rental unit.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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 19, 2020

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Residential Tenancy Branch