



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

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

- an order cancelling the landlord's 1 Month Notice to End Tenancy given for Cause ("1 Month Notice") pursuant to section 47 *Act*.

Only landlord D.B. appeared at the hearing on behalf of the landlords. While the respondent landlord attended the hearing by way of conference call, the applicant tenant did not, although I waited until 9:40 A.M. in order to enable the applicant tenant to connect with this teleconference hearing scheduled for 9:30 A.M.

Following opening remarks, the landlord explained that the tenant had vacated the property on October 17, 2020.

Background and Evidence

The tenant applied to cancel a 1-month notice to end tenancy. On October 17, 2020 the tenant vacated the property. The landlord confirmed he did not require an Order of Possession.

Analysis

Rule 7.3 of the Rules of Procedure provides as follows:

7.3 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.

Section 55(1) of the Act reads as follows:

55 (1) *If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,*

(a) the landlord's notice to end tenancy complies with section 52{form and content of notice to end tenancy}, and

(b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

The tenant's failure to attend this hearing and present the evidence he submitted as part of his evidentiary package relating to his application leads me to order that his application to cancel the 1 Month Notice is dismissed without liberty to reapply. I am dismissing without leave to reapply because the tenant would have been aware of the hearing as he submitted numerous pieces evidence in support of his application.

The landlord confirmed he did not require an Order of Possession as the tenant had vacated the property.

Conclusion

The tenant's application to dismiss the 1-month notice 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 *Residential Tenancy Act*.

Dated: November 20, 2020

Residential Tenancy Branch