



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL

Introduction

This hearing was reconvened from an adjourned hearing originally scheduled for October 8, 2020. The hearing was adjourned by the Arbitrator after an attempt by the Arbitrator to assist both parties in achieving a resolution of the matter.

This reconvened hearing is scheduled to deal with the tenant's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- cancellation of the landlord's 2 Month Notice to End Tenancy for Landlord's Use of Property ("2 Month Notice"), pursuant to section 49.

While the landlord BL and their legal counsel attended the hearing by way of conference call, the tenant did not. I waited until 11:04 to enable the tenant to participate in this scheduled hearing for 11:00 a.m. The landlord and their legal counsel were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the landlord, their legal counsel, and I were the only ones who had called into this teleconference.

Rule 7.3 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

The landlord indicated at the beginning of the hearing that the tenant had moved out on October 31, 2020, and that they did not require an Order of Possession. As this tenancy has now ended, and **in the absence of any submissions in this hearing I order the**

application dismissed without liberty to reapply. I make no findings on the merits of the matter.

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 16, 2020

Residential Tenancy Branch