



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Greater Victoria Housing Society  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      CNC

### 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.

The hearing began at 11:00 a.m. Pacific Time on Monday, December 7, 2020, as scheduled and the telephone system remained open and was monitored for 11 minutes.

During this time, the tenant did not call into the hearing; however, the landlord's agent was present and said that the landlord had withdrawn their Notice on October 6, 2020 and continuing the tenancy. The landlord's agent said they issued the tenant a letter informing him that the Notice was being withdrawn. The agent also said the tenant was to cancel the hearing, but she attended the hearing out of an abundance of caution.

I continued the hearing for 11 minutes, in order to allow the tenant to call into the hearing and I note that the tenant had not previously withdrawn his application.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**in the absence of any evidence or submissions from the applicant and considering the fact the landlord had previously withdrawn their Notice, I order the application dismissed**, without leave to reapply.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: December 7, 2020

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Residential Tenancy Branch