



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **LRE, CNC, LAT**

Introduction

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

- Authorization to change the locks to the rental unit and suspending or setting conditions on the landlord's right to enter the rental unit pursuant to section 70; and
- Cancellation of a 1 Month Notice to End Tenancy for Cause pursuant to section 47.

This matter was set for hearing by telephone conference call at 9:30 am. on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the respondent.

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 reapply.

I find that filing an application and failing to pursue it diligently by attending the scheduled hearing time is a poor use of the limited resources of the Branch, inconveniencing the respondent and occupying a hearing slot which could be better used for meritorious claims.

I further find that in the absence of the applicant to make any submissions they have not met their evidentiary burden on a balance of probabilities to establish any portion of their claim.

Therefore, as the applicant did not attend the hearing by 9:40 am, and the respondent appeared and was ready to proceed, I dismiss the claim in its entirety without leave to reapply.

While section 55 of the Act provides that:

If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director ***must*** grant to the landlord an order of possession of the rental unit if

- (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.

Neither party submitted a Notice to End Tenancy into evidence and I am unable to determine if such a notice complies with the form and content requirements of section 52 of the *Act*. Therefore, while I dismiss the tenant's application, I decline to issue an Order of Possession.

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

Residential Tenancy Branch