



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      LRE, OLC

### Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution, filed on October 5, 2020, wherein she sought to cancel a 1 Month Notice to End Tenancy issued on September 26, 2020 (the "Notice") as well as an Order restricting the Landlord's right to enter the rental unit.

The hearing of the Tenant's application was scheduled for 9:30 a.m. on December 14, 2020. The line remained open until 9:40 a.m. and the only participant who called into the hearing during this time was the Respondent. 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 Respondent and I were the only ones who had called into this teleconference.

The Landlord testified that the Tenant vacated the rental unit on October 31, 2020.

### 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 9:40 a.m., and the Landlord called in and was ready to proceed, I dismiss the Tenant's claim without leave to reapply.

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: December 14, 2020

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Residential Tenancy Branch