



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR-MT, FFT

Introduction

The tenant filed an Application for Dispute Resolution on October 30, 2020 seeking an order that the landlord cancel or withdraw the 10-Day Notice to End Tenancy (the “Notice”). The matter proceeded by way of a hearing pursuant to section 74(2) of the *Residential Tenancy Act* (the “Act”) on January 21, 2021.

The tenant did not attend the hearing. I left the teleconference hearing open until 9:40 a.m. to enable the tenant to call in to this teleconference hearing scheduled for 9:30 a.m. I confirmed that the correct call-in numbers and participant code was provided in the Notice of Hearing. I also confirmed throughout the duration of the call that the tenant was not in attendance.

The landlord attended and spoke to the matter at hand, stating that the tenant moved out in late November.

Rule 7.3 of the Rules of Procedure provides that if a party or their agent fails to attend the hearing, the arbitrator may conduct the hearing in the absence of that party or dismiss the application without leave to re-apply.

Issue(s) to be Decided

Is the tenant entitled to an order that the landlord cancel or withdraw the Notice?

Is the tenant entitled to reimbursement of the Application filing fee?

Conclusion

As the tenant did not attend to present their Application, I dismiss their application for a cancellation of the Notice, 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 *Act*.

Dated: January 21, 2021

Residential Tenancy Branch