



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

matter regarding PACIFIC COVE PROPERTY MANAGEMENT
LTD and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, LRE / OPC, FFL

Introduction

On November 9, 2020, the Tenant submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (the “Act”) to cancel a One Month Notice to End Tenancy for Cause, dated October 23, 2020.

On November 19, 2020, the Landlord submitted an Application for Dispute Resolution under the Act and requested an Order of Possession, and to be compensated for the cost of the filing fee. The Landlord’s Application was crossed with the Tenant’s Application and the matter was set for a participatory hearing via conference call.

Preliminary Matter

This hearing was scheduled for a conference call hearing on this date.

Rule 7.1 of the *Residential Tenancy Branch - Rules of Procedure* stipulates that the hearing must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the Application, with or without leave to re-apply.

The Tenant was emailed a copy of the Notice of Dispute Resolution Proceeding by the Residential Tenancy Branch on November 16, 2020; however, did not attend the teleconference hearing set for today at 11:00 a.m. The only people to call into the hearing were the agents for the Landlord who indicated that they were ready to proceed. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding. I also confirmed from the teleconference system that the only persons who had called into this teleconference were the agents for the Landlord and myself.

After keeping the phone line open for 10 minutes, I dismissed the Tenant’s Application without leave to reapply as the Tenant failed to attend the hearing to present the merits

of their Application or, at the very least, cancel their scheduled hearing in advance of the hearing.

The Landlord's agents testified that the Tenant had abandoned the rental unit on November 30, 2020 and that they no longer required an Order of Possession. As such, I dismiss the Landlord's Application without leave to reapply.

Conclusion

I dismiss both the Tenant's and the Landlord's Application for Dispute Resolution 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: February 01, 2021

Residential Tenancy Branch