



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding IVANHOE HOTEL
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes **MNSD, MNDCT, RPP**

Introduction

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

- A return of the security deposit pursuant to section 38;
- A monetary award for damages and loss pursuant to section 67; and
- A return of personal possessions pursuant to section 65.

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 fifteen minutes and the only participant who called into the hearing during this time was the agent of the corporate 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.

Therefore, as the applicants 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.

The landlord requested clarification on the status of this tenancy. The landlord testified that they have not been provided a formal notice to end the tenancy by the tenant but that the tenant has vacated the rental unit, has not occupied the suite since November, 2020 and has paid no rent since that time. The tenant identified the status of this tenancy as a "past tenancy" in their present application.

Based on the circumstances and the evidence before me and in accordance with section 44(d) and (f) of the *Act*, I find that the tenant has abandoned the rental unit and this tenancy is ended as of November 9, 2020, the date the tenant filed their application for dispute resolution.

Conclusion

The tenant's application is dismissed in its entirety without leave to reapply.

This tenancy is ordered ended as of November 9, 2020.

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 4, 2021

Residential Tenancy Branch