



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, CNC, FFT

Introduction

The tenant filed an Application for Dispute Resolution (the “Application”) on November 23, 2020 seeking an order to cancel the One Month Notice to End Tenancy (the “One Month Notice”) for cause. They also applied for the landlord’s compliance with the legislation and/or the tenancy agreement, and reimbursement of the Application filing fee. The matter proceeded by way of a hearing pursuant to section 74(2) of the *Residential Tenancy Act* (the “Act”) on February 2, 2021.

The tenant attended the hearing; the landlord did not enter the conference call. The tenant stated they spoke to the landlord approximately one hour before the hearing and the landlord advised that it was a dial-in conference call hearing. The tenant could not explain the landlord’s absence. From this evidence, I am satisfied that the tenant gave the landlord proper notice of this hearing in good order.

I amend the tenant’s Application to accurately name the landlord as provided for in the tenancy agreement and other documents on file.

The tenant spoke to the matter at hand, stating that they signed a Mutual Agreement to End Tenancy with the landlord. The landlord submitted a copy of the agreement in advance of the hearing. This shows the tenancy ended on January 31, 2021, two days in advance of this hearing. In the hearing, the tenant confirmed they moved out from the rental unit on that day.

Rule 7.3 of the *Residential Tenancy Branch Rules of Procedure* provides that if a party or 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.

Given that the tenancy has ended, the validity of the One-Month Notice is not in issue. There is also no need for a decision on the landlord's compliance with the *Act*, the regulations, and/or the tenancy agreement. The issues are concluded.

For these reasons, I dismiss the tenant's Application. As they did not withdraw their Application, I grant no repayment of the Application filing fee.

Conclusion

The tenant's Application is dismissed 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: February 2, 2021

Residential Tenancy Branch