



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, CNC

Introduction

I was designated to hear this matter pursuant to section 58 of the *Residential Tenancy Act* (the *Act*). The tenant applied for:

- cancellation of the landlord's January 13, 2021 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46; and
- cancellation of the landlord's January 8, 2021 One Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47.

The Respondent called into this teleconference hearing at the date and time set for the hearing of this matter. The Applicant did not, although I waited until 11:11 a.m. to enable them to connect with this teleconference hearing scheduled for 11:00 a.m. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the Respondent and I were the only persons who had called into this teleconference.

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 Commencement of the hearing 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.

Accordingly, in the absence of any attendance at this hearing by the Applicant, I order the application dismissed without liberty to reapply.

The landlord testified that they have received the outstanding rent that prompted the issuance of both Notices to End Tenancy. As the landlord said that they are no longer

pursuing an end to this tenancy on the basis of either of the Notices to End Tenancy issued to the tenant and the landlord has continued the existing tenancy, there is no need to issue any Order of Possession with respect to the Notices to End Tenancy.

Conclusion

I dismiss the tenant's application without leave to reapply. I issue no Order of Possession with respect to this tenancy. The Notices to End Tenancy of January 8, 2021 and January 13, 2021 are of no continuing force or effect. This tenancy continues until ended in accordance with the *Act*.

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 16, 2021

Residential Tenancy Branch