



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Westwynd Realty
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, FF

Introduction, Preliminary and Procedural Matters-

This hearing convened as the result of the tenant's application for dispute resolution under the Residential Tenancy Act (Act) for:

- an order cancelling the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (Notice) issued by the landlord; and
- recovery of the filing fee.

The hearing began at 9:30 a.m. Pacific Time on Tuesday, March 2, 2021, as scheduled and the telephone system remained open and was monitored for 11 minutes. During this time, neither party attended. I confirmed that the conference codes were correct and that I was the only person on the teleconference line for the entire 11 minutes.

The Residential Tenancy Branch Rules of Procedure (Rules) provide 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 re-apply.

7.4 Evidence must be presented. Evidence must be presented by the party who submitted it, or by the party's agent. If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

Accordingly, **in the absence of any evidence or submissions presented at the hearing, I order the application dismissed with liberty to reapply.** I make no findings on the merits of the matter. Liberty to reapply is not an extension of any applicable limitation period.

As I have not considered the merits of the application, the request to recover the filing fee 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 *Residential Tenancy Act*.

Dated: March 2, 2021

Residential Tenancy Branch