



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Cityviews Village Inc
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OLC, CNR-MT

Introduction, Preliminary and Procedural Matters-

This telephone conference call hearing was 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;
- an order extending the time to file an application disputing the Notice issued by the landlord; and
- an order requiring the landlord to comply with the Act, regulations, or tenancy agreement.

The hearing began at 11:00 p.m. Pacific Time on Thursday, March 25, 2021, as scheduled and the telephone system remained open and was monitored for 10 minutes. During this time, the tenant did not call into the hearing; however, the landlord's agent was present and ready to proceed with the hearing.

The landlord said that they had filed their own application for dispute resolution under the Direct Request process and were granted an order of possession of the rental unit several months earlier. The landlord said that they have enforced the order of possession and the tenant vacated the rental unit on February 1, 2021.

I continued the hearing for 10 minutes, in order to allow the tenant to call into the hearing.

Rules 7.3 and 7.4 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 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, I order the application dismissed, without leave to reapply.**

As the landlord received an order of possession of the rental unit in their own application, it was not necessary to grant the landlord an order of possession in this application.

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 25, 2021

Residential Tenancy Branch