



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET FFL

Introduction

This hearing dealt with an Application for Dispute Resolution (application) by the landlord seeking remedy under the *Residential Tenancy Act* (Act) to end the tenancy early for health or safety reasons under section 56 of the Act, and to recover the cost of the filing fee.

The landlord was provided with a copy of the Notice of a Dispute Resolution Proceeding dated March 4, 2021 (Notice of Hearing) when they made their application. The landlord; however, did not attend the hearing set for this date, Thursday, March 18, 2021 at 9:30 a.m. Pacific Time. The phone line remained open for 10 minutes and was monitored throughout this time. The only person to call into the hearing was the tenant.

Analysis

Residential Tenancy Branch (RTB) Rules of Procedure (Rules) 7.1 and 7.3 apply and state:

7.1 Commencement of the dispute resolution hearing

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

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.

Given the above and following the 10-minute waiting period, the application of the landlord was **dismissed without leave to reapply**. This decision does not extend any applicable time limits under the Act.

The filing fee is not granted as the landlord did not attend the hearing to present the merits of their claim.

The tenancy shall continue until ended in accordance with the Act.

Conclusion

The landlord's application is dismissed without leave to reapply.

The filing fee is not granted.

The tenancy continues until ended in accordance with the Act.

This decision will be emailed to both parties at the email addresses provided in the landlord's application and confirmed by the tenant during the hearing.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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 18, 2021

Residential Tenancy Branch