



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR-DR, FFL; CNL, CNR, OLC

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("Act") for:

- an Order of Possession for unpaid rent, pursuant to section 55; and
- authorization to recover the filing fee for this application, pursuant to section 72.

This hearing also dealt with the tenant's application pursuant to the *Act* for:

- cancellation of the landlord's Two Month Notice to End Tenancy for Landlord's Use of Property ("2 Month Notice"), pursuant to section 49;
- cancellation of the landlord's Ten Day Notice to End Tenancy for Unpaid Rent or Utilities ("10 Day Notice"), pursuant to section 46; and
- an order requiring the landlord to comply with the *Act*, *Residential Tenancy Regulation* or tenancy agreement, pursuant to section 62.

The tenant did not attend this hearing, which lasted approximately 10 minutes. The landlord attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The tenant did not attend at the appointed time set for the hearing, although I waited until 11:10 a.m. to enable her to participate in this hearing scheduled for 11:00 a.m. I confirmed that the correct call-in numbers and participant codes had been provided in both Notices of Hearing. I also confirmed from the teleconference system that the landlord and I were the only people who called into this teleconference.

At the outset of the hearing, the landlord confirmed that the tenant vacated the rental unit on January 30, 2021 and he did not require an order of possession against the tenant. I notified the landlord that his entire application was dismissed without leave to

reapply, including the \$100.00 filing fee, as he was not pursuing his application at this hearing. The landlord confirmed his understanding of same.

Pursuant to section 64(3)(c) of the *Act*, I amend the landlord's application to correct the landlord's first name, as the landlord confirmed that he used his nickname, not his legal name, when filing his application. I find no prejudice to the tenant in making this amendment.

#### Dismissal of Tenant's Application

The landlord confirmed receipt of the tenant's application for dispute resolution hearing package. In accordance with sections 89 and 90 of the *Act*, I find that the landlord was duly served with the tenant's application.

Rule 7.3 of the Residential Tenancy Branch *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.*

In the absence of any appearance by the tenant, I order the tenant's entire application dismissed without leave to reapply.

#### Conclusion

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

The tenant's entire 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 *Residential Tenancy Act*.

Dated: March 23, 2021

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Residential Tenancy Branch