



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

On December 7, 2020, the Tenant submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (the “Act”) to cancel a One Month Notice to End Tenancy. The matter was set for a participatory hearing via conference call.

Preliminary Matters

This hearing was scheduled for a conference call hearing on this date.

Rule 7.1 of the *Residential Tenancy Branch - Rules of Procedure* stipulates that 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.

The Tenant was emailed a copy of the Notice of a Dispute Resolution Hearing by the Residential Tenancy Branch on December 11, 2020; however, did not attend the teleconference hearing set for today at 9:30 a.m. The only person to call into the hearing was the Landlord who indicated that they were ready to proceed. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the only persons who had called into this teleconference was the Landlord and myself.

After keeping the phone line open for 10 minutes, I dismissed the Tenant’s Application without leave to reapply as the Tenant failed to attend the hearing to present the merits of their Application.

Analysis

I find that the Tenant’s Application for Dispute Resolution has been abandoned.

Section 55 of the Act requires that when a tenant submits an Application for Dispute Resolution seeking to cancel a Notice to End Tenancy issued by a landlord, I must consider if the landlord is entitled to an Order of Possession if the Application is

dismissed and the landlord has issued a Notice to End Tenancy that is compliant with the Act.

In this case, both the Tenant and the Landlord failed to submit any evidence to the Residential Tenancy Branch. As a result, I find I cannot properly determine the validity of the Notice to End Tenancy. Therefore, I find that an Order of Possession should not be issued to the Landlord at this time, pursuant to section 55 of the Act.

Conclusion

I dismiss the Tenant's Application for Dispute Resolution without leave to reapply.

I do not authorize an Order of Possession for the Landlord at this time; however, the Landlord may choose to pursue an Order of Possession through his own 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 02, 2021

Residential Tenancy Branch