



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC MNDCT OLC OT

Introduction

This hearing dealt with an Application for Dispute Resolution (application) by the tenant seeking remedy under the *Residential Tenancy Act* (Act) to cancel a 1 Month Notice to End Tenancy for Cause (1 Month Notice), for a monetary claim of \$7,000.00, for an order directing the landlord to comply with the Act, regulation or tenancy agreement, and more time to vacate.

On December 8, 2020, the hearing began before a different Arbitrator, who adjourned the matter based on an Interim Decision dated December 9, 2020 (Interim Decision). That Interim Decision should be read in conjunction with this decision.

On this date, March 5, 2021, the original Arbitrator was unavailable, and as a result, the undersigned was assigned this hearing. The tenant was provided with a copy of the Notice of a Dispute Resolution Proceeding dated December 14, 2020 (Notice of Hearing). The tenant, however, did not attend the adjourned hearing set for this date, Friday, March 5, 2021 at 11:00 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 landlord.

Conclusion

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 tenant was **dismissed without leave to reapply**. This decision does not extend any applicable time limits under the Act.

The filing fee was waived and is not granted as a result.

This decision will be emailed to both parties at the email addresses confirmed on December 8, 2020.

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 5, 2021

Residential Tenancy Branch