



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC-MT

### Introduction

On January 4, 2021, 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 Matter

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 January 6, 2021; however, did not attend the teleconference hearing set for today at 11:00 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 Dispute Resolution Proceeding. I also confirmed from the teleconference system that the only persons who had called into this teleconference was the Landlord and myself.

The Landlord stated that the Tenant moved out of the rental unit on March 6, 2021 and as such, did not require an Order of Possession for the rental unit.

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 have dismissed the Tenant's Application for Dispute Resolution without leave to reapply.

I find that I do not have to consider the issuance of an Order of Possession under section 55 of the Act as the Landlord stated that the Tenant has moved out of the rental unit and; therefore, that the Landlord does not require an Order of Possession for the unit.

Conclusion

I dismiss the Tenant's Application for Dispute Resolution 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 29, 2021

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Residential Tenancy Branch