



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding VANTAGE WEST REALTY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR-MT, CNL, OLC, PSF

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution, filed on January 14, 2021, wherein the Tenant sought the following relief:

- an Order canceling a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities issued on January 4, 2021 (the "10 Day Notice");
- an Order for more time to make an application to dispute the 10 Day Notice;
- an Order canceling a 1 Month Notice to End Tenancy for Cause issued on January 4, 2021 (the "1 Month Notice");
- an Order that the Landlord:
 - comply with the *Residential Tenancy Act*, the *Residential Tenancy Regulation*, or the residential tenancy agreement; and,
 - provide services or facilities as required by law.

This matter was set for hearing by telephone conference call at 9:30 a.m. on this date. The line remained open until 9:41 a.m. and the only participant who called into the hearing during this time was the Landlord's representative, E.C. 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 E.C. and I were the only ones who had called into this teleconference.

Preliminary Matter—Tenant's Name on Application

Hearings before the Residential Tenancy Branch are conducted in accordance with the *Residential Tenancy Branch Rules of Procedure*. *Rule 4.2* of the *Rules* allows me to amend an Application for Dispute Resolution in circumstances where the amendment might reasonably have been anticipated. The authority to amend is also provided for in

section 64(3)(c) of the *Act* which allows an Arbitrator to amend an Application for Dispute Resolution.

On the Application the Tenant's Advocate, L.B., neglected to indicate the Tenant's name. I therefore Amend the Tenant's Application to include her name as Applicant.

Analysis and Conclusion

Rules 7.1, 7.3 and 7.4 address the requirement of a party to call into the teleconference hearing and read as follows:

7.1 Commencement of Hearing

The hearing must commence at the scheduled time unless otherwise decided 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.

7.4 Evidence must be presented

Evidence must be presented by the party who submitted it, or by the party's agent. If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

As the Applicant, the Tenant bears the burden of proving their claim on a balance of probabilities. In the absence of any evidence or submissions from the Tenant and in the absence of the Tenant's participation in this hearing, I dismiss the Tenant's claim without leave to reapply. I make no findings on the merits of this matter.

In the normal course, and pursuant to section 55 of the *Act*, a Landlord is entitled to an Order of Possession when a Tenant's application to dispute a notice to end tenancy is dismissed. During the hearing, E.C. confirmed the Tenant vacated the rental unit as of March 1, 2021 such that an Order of Possession was not required.

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: April 15, 2021

Residential Tenancy Branch