



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR OLC RP LRE FFT

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 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, for an order directing the landlord to comply with the Act, regulation or tenancy agreement, for regular repairs to the unit, site or property, for an order to suspend or set conditions on the landlord's right to enter the rental unit, site or property, and to recover the cost of the filing fee.

The tenant was provided with a copy of the Notice of a Dispute Resolution Proceeding dated February 18, 2021 (Notice of Hearing) when they made their application. The tenant, however, did not attend the hearing set for this date, May 11, 2021 at 11:00 p.m. Pacific Time. The phone line remained open for 12 minutes and was monitored throughout this time. The only person to call into the hearing was the landlord, PH.

Preliminary and Procedural Matters

Firstly, the landlord, PH, confirmed that the applicant used their nickname instead of their legal name and pursuant to section 64(3)(c) of the Act I amended the application to reflect the correct landlord name, PH.

Secondly, the address of the rental unit was incorrect according to the landlord, and pursuant to section 64(3)(c) of the Act the application was corrected to reflect the proper spelling of the road listed on the application for the rental unit and parties.

Thirdly, the decision will be emailed to the parties at the email addresses provided on the application.

Analysis

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 respondent attended the hearing, yet the applicant tenant did not attend the hearing to present the merits of their application.

The filing fee is not granted as the application was dismissed.

The landlord had some questions about the Act, Policy Guidelines and Regulation, which were answered during the hearing.

Conclusion

The application is dismissed in full without leave to reapply.

The filing fee is not granted as the applicant failed to attend the hearing and the respondent did attend.

This decision will be emailed to both parties at the email addresses confirmed by the landlord and the email address for the tenant provided in the tenant's application.

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: May 11, 2021

Residential Tenancy Branch