



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding PENAKO HOLDINGS LTD  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      **CNC**

### Introduction

This hearing dealt with an application by the tenant under the *Residential Tenancy Act* (the *Act*) for the following:

- Cancellation of One Month Notice to End Tenancy for Cause (“One Month Notice”) pursuant to section 47.

DD, the agent for the landlord, (“the landlord”) attended the hearing and was given the opportunity to make submissions as well as present affirmed testimony and written evidence. The hearing process was explained, and an opportunity was given to ask questions about the hearing process.

The tenant did not attend the hearing. I kept the teleconference line open from the scheduled time for the hearing for an additional ten minutes to allow the tenant the opportunity to call. The teleconference system indicated only the landlord and I had called into the hearing. I confirmed the correct call-in number and participant code for the tenant had been provided.

The landlord testified they had personally served the tenant with the One Month Notice on February 23, 2021. I accept the evidence of the landlord and find the tenant was served as testified.

The landlord testified the tenant served the landlord with the Notice of Hearing and Application for Dispute Resolution on March 4, 2021.

The landlord stated the tenant still resides in the unit.

Rule 7.3 of the Rules of Procedure provides as follows:

***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 reapply.*

As the applicant tenant did not attend the hearing and in the absence of any evidence or submissions, I order the application dismissed without leave to reapply.

**Conclusion**

I order the application dismissed 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: June 14, 2021

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Residential Tenancy Branch