



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL OLC

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of the landlord's Notice to End Tenancy for Landlord's Use of Property pursuant to section 49; and
- an order that the landlord comply with the Act, regulations or tenancy agreement pursuant to section 62.

This matter was set for hearing by telephone conference call at 9:30 am on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the respondent.

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.

There is a note in the Dispute Resolution file of the Branch indicating that the applicant had provided a Withdrawal Request on April 9, 2021 that was not completed. I note that the failure to properly withdraw an application is a poor use of the limited resources of the Branch occupying a hearing slot that could be used for more meritorious matters and causing inconvenience to the respondent.

As the applicant did not attend the hearing by 9:40 am, and the respondent appeared and was ready to proceed, I dismiss the tenant's claim in its entirety without leave to reapply.

While I have dismissed the tenant's application the landlord testified that this tenancy has ended, and the landlord now has possession of the rental unit. Accordingly, I decline to issue an Order of Possession in the landlord's favour.

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 11, 2021

Residential Tenancy Branch