



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

Tenant:.....CNR

Landlord:.....OPR, OPL, MNRL-S, FFL

Introduction

This hearing dealt with cross applications for Dispute Resolution under the *Residential Tenancy Act* ("Act") by the Parties.

In her application, the Tenant requested an Order to cancel the 10 Day Notice to End Tenancy for Unpaid Rent dated March 1, 2021.

In his application, the Landlord claims:

- an order of possession for unpaid rent, further to having served the Tenant with a 10 Day Notice to End Tenancy for Unpaid Rent in the amount of \$1,100.00;
- an Order of Possession, further to having served a Two Month Notice to End Tenancy for Landlord's Use dated January 1, 2021;
- a Monetary Order for unpaid rent of \$1,150.00; and
- to recover the \$100.00 cost of his Application filing fee.

The Landlord appeared at the teleconference hearing, but no one attended on behalf of the Tenant. The teleconference phone line remained open for over ten minutes and was monitored throughout this time. The only person to call into the hearing was the Landlord, who indicated that he was ready to proceed. I confirmed that the teleconference codes provided to the Parties were correct and that the only person on the call, besides me, was the Landlord.

The Landlord said he sold the residential property to a new owner, and that the new owner helped the Tenant pack, and found her another place to live; therefore, she is living elsewhere now, and the Landlord said it is unlikely that she will call in. The Landlord said that it would be more trouble than it's worth to try to enforce a monetary order, therefore, he withdrew his Application overall.

The Tenant was provided with a copy of her Notice of a Dispute Resolution Hearing on March 15, 2021; however, the Tenant did not attend the teleconference hearing scheduled for June 17, 2021 at 9:30 a.m. (Pacific Time). The phone line remained open for over ten minutes and was monitored throughout this time. The only person to call into the hearing was the Landlord, S.V.

Rule 7.1 of the Residential Tenancy Branch Rules of Procedure ("Rules") states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. The Landlord and I attended the hearing on time and were ready to proceed, and there was no evidence before me that the Parties had agreed to reschedule or adjourn the matter; accordingly, I commenced the hearing at 9:30 a.m. on June 17, 2021, as scheduled.

Rule 7.3 states that 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. The teleconference line remained open for over ten minutes; however, neither the Applicant nor an agent acting on her behalf attended to provide any evidence or testimony for my consideration. As a result, and pursuant to Rule 7.3, I **dismiss the Tenant's Application without leave to reapply**.

In summary, the applications are dismissed without leave to reapply, as the tenancy has ended, and the Parties have gone their separate ways.

Conclusion

The applications are both dismissed without leave to reapply, as the Tenant has moved out of the rental unit, and the Landlord sold it to a new owner. The Tenant did not attend the hearing to present the merits of her case. The Landlord withdrew his application, as it would be more bother than it's worth to seek compensation from the (former) Tenant.

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 17, 2021

Residential Tenancy Branch