



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction and Analysis

This hearing dealt with an Application for Dispute Resolution (application) by the tenant seeking remedy under the *Residential Tenancy Act* (Act) to cancel a 1 Month Notice to End Tenancy for Cause.

The tenant was provided with a copy of the Notice of a Dispute Resolution Proceeding document dated March 30, 2021 (Notice of Hearing). The tenant however, did not attend the teleconference hearing set for this date, Tuesday, July 13, 2021 at 11:00 a.m. Pacific Standard Time. The phone line remained open for 11 minutes and was monitored throughout this time. The only persons to call into the hearing was the landlord GA (landlord) and co-landlord, RH (co-landlord) who indicated that they were ready to proceed although the tenant vacated the rental unit at the end of April 2021. I have confirmed that file records support that the tenant did not make any attempt to cancel the hearing prior to the hearing.

Following the ten-minute waiting period, the application of the tenant was **dismissed without leave to reapply** as the tenant failed to attend the hearing to present the merits of their application or at the very least cancel their scheduled hearing in advance of the hearing. This is pursuant to Rule 7.1 and 7.3 of the Residential Tenancy Branch (RTB) Rules of Procedure (Rules). The landlord did attend the hearing and was ready to proceed. Words utilizing the singular shall also include the plural and vice versa where the context requires.

Preliminary and Procedural Matters

The landlord was informed at the start of the hearing that recording of the dispute resolution is prohibited under the Residential Tenancy Branch (RTB) Rules of Procedure (Rules) Rule 6.11. The landlord was also informed that if any recording

devices were being used, they were directed to immediately cease the recording of the hearing. In addition, the landlord was informed that if any recording was surreptitiously made and used for any purpose, they will be referred to the RTB Compliance Enforcement Unit for the purpose of an investigation under the Act. The landlord did not have any questions about my direction pursuant to RTB Rule 6.11.

In addition, the landlord confirmed their email addresses at the outset of the hearing and stated that they understood that the decision would be emailed to them. As the tenant did not supply an email address, the decision will be sent by regular mail to the tenant.

Conclusion

The tenant's application is dismissed without leave to reapply.

This decision does not extend any applicable time limits under the Act.

This decision will be emailed to the landlord and sent by regular mail to the tenant.

The filing fee was already waived for this 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: July 13, 2021

Residential Tenancy Branch