



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FFT

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Tenant on April 02, 2021 (the “Application”). The Tenant applied to dispute a One Month Notice to End Tenancy for Cause (the “Notice”). The Tenant also sought to recover the filing fee.

The Tenant did not appear at the hearing. The Landlord did appear at the hearing. The Landlord advised at the outset that the Tenant moved out of the rental unit May 31, 2021. The Landlord confirmed they were not seeking an Order of Possession based on the Notice.

I waited 12 minutes, until 9:42 a.m., to allow the Tenant to participate in this hearing scheduled for 9:30 a.m. The Tenant did not call into the hearing.

I told the Landlord I would dismiss the Application given the Tenant did not appear at the hearing. I told the Landlord I would not issue an Order of Possession pursuant to section 55 of the *Residential Tenancy Act* (the “Act”) given the Landlord is not seeking one.

Rule 7.3 of the Rules of Procedure states:

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.

7.4 Evidence must be presented

Evidence must be presented by the party who submitted it, or by the party's agent.

If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

Here, the Tenant did not attend the hearing to provide evidence or a basis for the Application. In the absence of evidence from the Tenant, the Application is dismissed without leave to re-apply.

I decline to issue an Order of Possession pursuant to section 55 of the *Act* given the Landlord is not seeking one.

Conclusion

The Application is dismissed without leave to re-apply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: July 23, 2021

Residential Tenancy Branch