



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC
 OPU-DR, MNU-DR, FFL

Introduction

This hearing dealt with the cross Applications for Dispute Resolution filed by the parties under the *Residential Tenancy Act* (the “Act”). The matter was set for a conference call.

The Tenant’s application for Dispute Resolution was made on April 12, 2021. The Tenant applied to cancel a One-Month Notice to End Tenancy for Cause (the “Notice”) issued April 10, 2021.

The Landlord’s Direct Request Application was made on April 28, 2021. The Landlord’s applied to enforce a One-Month Notice to End Tenancy for Cause (the “Notice”) issued April 10, 2021, and a monetary order for unpaid rent and utilities, and a monetary order compensation for my monetary loss or other money owed.

The Tenant attended the hearing and was affirmed to be truthful in their testimony; however, the Landlord did not. As the Landlord is also an applicant in this hearing, I find that the Landlord had been duly notified of the Notice of Hearing in accordance with the *Act*.

I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issues to be Decided

- Should the Notice issued on April 10, 2021, be cancelled?
- If not, is the Landlord entitled to an order of possession?
- Is the Landlord entitled to a monetary order for unpaid rent or utilities?
- Is the Landlord entitled to the return for their filing fee for this application?

Background and Evidence

This hearing was scheduled for a teleconference hearing on this date.

Rule 7.1 of the Rules of Procedure stipulates that the hearing must commence at the scheduled time unless otherwise decided by the Arbitrator. Rule 7.3 of the Rules of Procedure stipulates that an Arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

I called into the hearing, and 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 Tenant. Therefore, as the Landlord did not attend the hearing by 11:11 a.m. and the Tenant appeared and was ready to proceed, I dismiss the Landlord's application without leave to reapply.

The Tenant testified that this tenancy ended on June 1, 2021, the date they vacated the rental unit.

Analysis

As this tenancy has already ended, I find that there is no need to continue in these proceedings in regard to the Tenant's request for cancel this Notice to end tenancy. Consequently, I dismiss the Tenant's application.

I find that the Landlord's Application for Dispute Resolution has been abandoned.

Conclusion

The Tenant's Application is dismissed.

The Tenant's application to cancel the Notice is dismissed, as this tenancy had ended on granted.

I dismiss the Landlord's Application for Dispute Resolution 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: August 20, 2021

Residential Tenancy Branch