



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL, OLC, MNDCT, FFT

### Introduction

The tenant filed an Application for Dispute Resolution (the “Application”) on April 26, 2021 seeking:

- to recover compensation for monetary loss;
- to dispute a Two Month Notice to End Tenancy for landlord’s Use of Property (the “Two-Month Notice”);
- the landlord’s compliance with the legislation and/or the tenancy agreement;
- reimbursement of the Application filing fee.

The matter proceeded by way of a hearing pursuant to s. 74(2) of the *Residential Tenancy Act* (the “Act”) on August 30, 2021. In the conference call hearing I explained the process and provided the attending party the opportunity to ask questions.

The landlord who attended the hearing advised the tenant vacated from the rental unit on approximately June 25, 2021. This was after the landlord served an Order of Possession on the tenant on July 20, 2021; this Order was issued by another Arbitrator on July 14, 2021. The landlord provided a copy of the Order of Possession in their documentary evidence prepared in advance for this hearing. With no evidence to the contrary, I find as fact that the tenancy already ended prior to this hearing. For this reason, I dismiss the tenant’s Application portion to dispute the Two Month Notice, without leave to reapply.

The tenant did not attend the hearing, although I left the teleconference hearing connection open until 9:53am to enable them to call in to this teleconference hearing scheduled for 9:30am.

I confirmed the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed throughout the duration of the call that the tenant was not in attendance.

The Residential Tenancy Branch Rules of Procedure Rule 7.3 provides that if a party or their agent fails to attend the hearing, the arbitrator may conduct the hearing in the absence of that party or dismiss the application without leave to reapply.

Given that the tenant did not attend the hearing, I dismiss the remaining grounds for hearing listed above.

### Conclusion

In the absence of the applicant tenant, I dismiss this Application for Dispute Resolution in its entirety and without leave to reapply.

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

Dated: August 30, 2021

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Residential Tenancy Branch