



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR

### Introduction, Preliminary and Procedural Matters-

This telephone conference call hearing was convened as the result of the tenant's application for dispute resolution seeking remedy under the Residential Tenancy Act (Act) for:

- an order cancelling the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (Notice) issued by the landlord.

The hearing began at 1:30 p.m. Pacific Time on Monday, September 20, 2021, as scheduled and the telephone system remained open and was monitored for 11 minutes.

During this time, the tenant did not call into the hearing; however, the landlord was present and ready to proceed with the hearing. The landlord said that she and the tenant had come to an agreement that the tenancy would end at the end of September 2021; however, the landlord said that she chose to attend the hearing to confirm that the hearing had been cancelled.

The landlord confirmed that she has already received an order of possession of the rental unit, which was granted to her on September 10, 2021, through her own application for dispute resolution. I interpreted this to mean the landlord was not seeking a monetary order for unpaid monthly rent.

I continued the hearing for 11 minutes, in order to allow the tenant to call into the hearing.

Rules 7.3 and 7.4 of the Rules of Procedure provides as follows:

### **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.

Accordingly, **in the absence of any evidence or submissions from the tenant at the hearing, I order the application dismissed, 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: September 20, 2021

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Residential Tenancy Branch