



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNC, OLC, FFT

### Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution filed on May 3, 2021 wherein the Tenant sought the following relief:

- an Order canceling a 1 Month Notice to End Tenancy for Cause, (the "Notice");
- an Order that the Landlord comply with the *Residential Tenancy Act*, the *Residential Tenancy Regulation*, or the residential tenancy agreement; and,
- recovery of the filing fee

The hearing was conducted by teleconference at 11:00 a.m. on September 7, 2021. Only the Landlord's agent, B.L. called into the hearing. She confirmed that the parties had resolved matters and the tenancy was continuing. She further confirmed that it was her understanding that the hearing was going to be cancelled, but that she called in just to be safe.

The Tenant did not call into this hearing, although I left the teleconference hearing connection open until 11:10 a.m. Additionally, I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the Landlord's agent and I were the only ones who had called into this teleconference.

When the applicant fails to call into the hearing and the respondent calls the result is that the application is dismissed without leave to reapply. In circumstances where a tenant has applied to dispute a notice to end tenancy and fails to call in, the result is that the landlord is granted an order of possession pursuant to section 55 of the *Act*. However, I accept B.L.'s submissions that the parties have resolved matters and the

tenancy is continuing. I dismiss the Tenant's application, however I also record the Notice as having been withdrawn and I therefore decline to issue an Order of Possession.

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 07, 2021

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Residential Tenancy Branch