



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      Tenant application 1: CNC, OLC, MNDC, LAT, LRE, FF  
Tenant application 2: CNL, OLC, LRE, LAT, FF

### Introduction, Preliminary and Procedural Matters-

This hearing dealt with the tenant's two applications for dispute resolution seeking remedy under the Residential Tenancy Act (Act).

In their first application, made on June 1, 2021, the tenant applied for:

- an order cancelling the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (10 Day Notice) issued by the landlord;
- an order requiring the landlord to comply with the Act, regulations, or tenancy agreement;
- compensation for a monetary loss or other money owed;
- an order suspending or setting conditions on the landlord's right to enter the rental unit;
- authorization to change the locks to the rental unit; and
- to recover the cost of the filing fee

In their second application, made on July 13, 2021, the tenant applied for:

- an order cancelling the Two Month Notice to End Tenancy for Landlord's Use of Property (Notice) issued by the landlord;
- an order requiring the landlord to comply with the Act, regulations, or tenancy agreement;
- an order suspending or setting conditions on the landlord's right to enter the rental unit;
- authorization to change the locks to the rental unit; and
- to recover the cost of the filing fee.

The hearing began at 9:30 a.m. Pacific Time on Thursday, September 30, 2021, as scheduled and the telephone system remained open and was monitored for 21 minutes.

During this time, the tenant did not call into the hearing; however, the landlord and landlord's agent (agent) were present and ready to proceed with 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, I order both applications dismissed, without leave to reapply.**

During the hearing, the landlord and agent referred to their documentary evidence, which included a copy of a Decision and order of possession of the rental unit in favour of the landlord, resulting from a previous dispute resolution on the landlord's application for an early termination of the tenancy.

The previous Decision by another arbitrator, dated July 30, 2021, incorporated the parties' settled agreement. That Decision is referenced on the style of cause page of this Decision. In that Decision, the tenant agreed that he would pay the monthly rent of \$800 on the first day of every month, for the remainder of the tenancy, which is scheduled to end on November 30, 2021.

The parties further agreed the settlement comprised "the full and final settlement of all aspects of this dispute and any future dispute arising out of this tenancy for both parties".

I interpret this clause and the tenant's failure to attend the hearing to be the tenant's acknowledgment that the matters in these two applications, filed prior to that date, were resolved by the previous settled agreement.

I inform both parties that should either party violate the terms of their prior settled agreement, the tenancy agreement, or the Act, it is open to the other party to take steps under the Act to seek remedy.

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 30, 2021

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Residential Tenancy Branch