



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Carrera Management Corp
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR-MT

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution ("Application") under the *Residential Tenancy Act* ("Act"), for more time to apply to cancel an eviction notice, and for an Order to cancel the 10 Day Notice to End Tenancy for Unpaid Rent dated March 3, 2021.

The Tenant was provided with a copy of the Notice of a Dispute Resolution Hearing on July 7, 2021; however, the Tenant did not attend the teleconference hearing scheduled for October 8, 2021 at 1:30 p.m. (Pacific Time). The phone line remained open for over ten minutes and was monitored throughout this time. The only person to call into the hearing was an agent for the Respondent Landlord, T.K., ("Agent"), who indicated that she was ready to proceed.

Rule 7.1 of the Residential Tenancy Branch ("RTB") Rules of Procedure ("Rules") states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. The Respondent Landlord's Agent and I attended the hearing on time and were ready to proceed, and there was no evidence before me that the Parties had agreed to reschedule or adjourn the matter; however, the Agent told me that the Tenant had moved out of the rental unit sometime near the end of July 2021, and that he did not leave a forwarding address. The Agent asked the Tenant in an email to rescind the hearing, which the Tenant said that he had done; however, the RTB has no record of any such communication with the Tenant.

Rule 7.3 states that 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 reapply. The teleconference line remained open for 12 minutes; however, neither the Applicant nor an agent acting on his behalf attended to provide any evidence or testimony for my consideration. As a result of the evidence

before me, and pursuant to Rule 7.3, I **dismiss the Tenant's Application without leave to reapply.**

Conclusion

The Tenant's Application is dismissed without leave to reapply, as the Tenant or an Agent for the Tenant did not attend the hearing to present the merits of the Application. The Respondent Landlord's Agent did attend the hearing. Further, the Agent said that the Tenant had moved out at the end of July 2021. As a result, I dismiss the Tenant's Application wholly without leave to reapply.

This Decision will be emailed to the addresses provided by the Tenant in the Application, and confirmed by the Agent in the hearing.

This Decision is final and binding on the Parties, except as otherwise provided under the Act, and 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: October 08, 2021

Residential Tenancy Branch