



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 5th Ave Investments Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR-MT, MNDCT, LRE

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; for an Order cancelling the 10 Day Notice to End Tenancy for Unpaid Rent dated July 2, 2021 ("10 Day Notice"); for a monetary order of \$6,286.00 for damage or compensation under the Act for the Tenant; and to suspend or restrict the Landlord's right to enter.

An agent for the Landlord, S.C. ("Agent"), appeared at the teleconference hearing and gave affirmed testimony. The Agent said that he received a copy of the Notice of Hearing package for this proceeding when he called the Residential Tenancy Branch on another matter. He said the Tenant did not serve him with anything for this matter.

The teleconference phone line remained open for over ten minutes and was monitored throughout this time. The only person to call into the hearing was the Agent, who indicated that he was ready to proceed. I confirmed that the teleconference codes provided to the Parties were correct and that the only person on the call, besides me, was the Agent.

The Tenant was provided with a copy of the Notice of a Dispute Resolution Hearing on August 12, 2021; however, the Tenant did not attend the teleconference hearing scheduled for November 23, 2021 at 9:30 a.m. (Pacific Time).

The Agent advised me that he had already received an Order of Possession from the RTB for the rental unit, as well as a Monetary Order for debts owed by the Tenant to the Landlord. The Agent said that the Tenant moved out at the end of August 2021, but did not provide a forwarding address.

At the outset of the hearing, I asked the Agent for the Landlord's name in this matter, as the Landlord identified on the Application was different than that in the 10 Day Notice. The Agent advised me of the property management company representing the owner, so I have amended the respondent's name in the Application, pursuant to section 64 (3) (c) and Rule 4.2.

I dismiss the Tenant's Application wholly without leave to reapply, pursuant to section 62 of the Act, and because the Tenant did not serve the Landlord with the Notice of Hearing documents for this proceeding, nor did she attend the hearing, and further, because the tenancy ended when the Tenant moved out in August 2021.

Conclusion

The Tenant's Application is dismissed without leave to reapply, as the Tenant did not attend the hearing to present the merits of her case, because she did not serve the Landlord with the Notice of Hearing package for this proceeding, and because the tenancy ended when the Tenant moved out in August 2021.

This Decision will be emailed to address the Tenant gave in her Application, and mailed to the Agent at the mailing address he confirmed in the hearing.

This Decision is final and binding on the Parties, unless 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: November 23, 2021

Residential Tenancy Branch