



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI, CNC, OLC, FFT

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Tenant on July 07, 2021 (the “Application”). The Tenant applied as follows:

- To dispute a rent increase that is above the amount allowed by law
- To dispute a One Month Notice to End Tenancy for Cause dated June 30, 2021 (the “Notice”)
- For an order that the Landlord comply with the Act, regulation and/or the tenancy agreement
- To recover the filing fee

The Tenant did not appear at the hearing. The Landlord and J.B. did appear. The Landlord advised that the Tenant vacated the rental unit around September 11, 2021 and they changed the locks to the rental unit the day before the hearing. The Landlord confirmed they are not seeking an Order of Possession in the circumstances.

I waited 10 minutes, until 11:10 a.m., to allow the Tenant to participate in this hearing scheduled for 11:00 a.m. The Tenant did not call into the hearing.

I told the Landlord I would dismiss the Application as the Tenant did not appear at the hearing. I told the Landlord I would not issue an Order of Possession under section 55 of the *Residential Tenancy Act* (the “Act”) given the Landlord is not seeking one.

Rule 7.3 of the Rules of Procedure states that an arbitrator can dismiss an application without leave to re-apply if a party fails to attend the hearing.

Here, the Tenant did not attend the hearing to provide a basis for the Application. The Landlord did appear. In the circumstances, the Application is dismissed without leave to re-apply.

I decline to issue an Order of Possession pursuant to section 55 of the *Act* given the Landlord is not seeking one.

Conclusion

The Application is dismissed without leave to re-apply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: November 04, 2021

Residential Tenancy Branch