



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, RP, RR, LRE

Introduction

On July 23, 2021, the Tenant submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (the “Act”) to cancel a 10 Day Notice to End Tenancy for Unpaid Rent, to request an order for repairs, to reduce the rent, and to restrict the Landlord’s access to the rental unit.

The matter was set for a participatory hearing via conference call.

Preliminary Matters

This hearing was scheduled for a conference call hearing on this date.

Rule 7.1 and 7.3 of the *Residential Tenancy Branch - Rules of Procedure* stipulates that the hearing must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the Application, with or without leave to re-apply.

The Tenant was emailed a copy of the Notice of a Dispute Resolution Hearing by the Residential Tenancy Branch on July 27, 2021; however, did not attend the teleconference hearing set for today at 11:00 a.m. The only people to call into the hearing was the Landlord and his interpreter (the “Landlord”), who indicated that they were ready to proceed. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding. I also confirmed from the teleconference system that the only persons who had called into this teleconference were the Landlord and myself.

The Landlord stated that the Tenant moved out of the rental unit at the end of July 2021 and as such, the Landlord did not require an Order of Possession for the rental unit. The Landlord acknowledged that they did not submit any evidence for this hearing as they would not have been able to serve the Tenant, as the Tenant did not provide a forwarding address.

Normally I would keep the phone line open for 10 minutes to allow the Tenant an opportunity to call in; however, TELUS dropped me from the call at 11:08 and I was unable to call back in until 11:10. At that time, the Landlord had disconnected, and I confirmed that the Tenant still had not called in. As a result, I dismissed the Tenant's Application without leave to reapply as the Tenant failed to attend the hearing to present the merits of their Application.

Analysis

I have dismissed the Tenant's Application for Dispute Resolution without leave to reapply.

I find that I do not have to consider the issuance of an Order of Possession under section 55 of the Act as the Landlord stated that the Tenant has moved out of the rental unit; therefore, the Landlord does not require an Order of Possession for the unit.

I explained to the Landlord that a monetary order for unpaid rent could be considered; however, could be more challenging when there is no evidence to support a monetary claim. During this conversation, I was dropped from the conference line and upon calling back, the Landlord had disconnected. I did provide the Landlord with information about section 38 of the Act (security deposits) and making an Application for a monetary claim.

Conclusion

I dismiss the Tenant's Application for Dispute Resolution without leave to reapply.

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: November 15, 2021

Residential Tenancy Branch