



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Sterling Management Services
Ltd and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, FF

Introduction, Preliminary and Procedural Matters-

This telephone conference call hearing was convened as the result of the tenant's application for dispute resolution seeking remedy under the Residential Tenancy Act (Act) for:

- an order cancelling the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (Notice) issued by the landlord.
- to recover the cost of the filing fee.

The hearing began at 9:30 a.m. Pacific Time on Tuesday, December 14, 2021, as scheduled and the telephone system remained open and was monitored for 10 minutes. During this time, the tenant did not call into the hearing; however, the landlord's agent was 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 applicant at the hearing, **I order the application dismissed, without leave to reapply.**

The landlord's agent submitted that the tenant vacated the rental unit without notice during the second week in September 2021 and did not require an order of possession of the rental unit.

After a review of the evidence, I find neither party submitted a copy of the Notice. I therefore declined to grant the landlord an order requiring the payment of unpaid rent, due to insufficient evidence.

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*. Pursuant to section 77 of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: December 14, 2021

Residential Tenancy Branch