



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Ace Agencies LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, MNDCT, RP, RR, LRE, PSF, OLC, FFT

Introduction

This hearing was scheduled to convene at 1:30 p.m. this date concerning an application made by the tenant seeking the following relief:

- an order cancelling a notice to end the tenancy for unpaid rent or utilities;
- a monetary order for money owed or compensation for damage or loss under the *Residential Tenancy Act*, regulation or tenancy agreement;
- an order that the landlord make repairs to the rental unit or property;
- an order reducing rent for repairs, services or facilities agreed upon but not provided;
- an order limiting or setting conditions on the landlord's right to enter the rental unit;
- an order that the landlord provide services or facilities required by the tenancy agreement or the law;
- an order that the landlord comply with the *Act*, regulation or tenancy agreement; and
- to recover the filing fee from the landlord for the cost of the application.

An agent for the landlord attended the hearing with an administrative assistant, prepared to respond to the tenant's application. However the line remained open while the telephone system was monitored for in excess of 10 minutes and no one for the tenant joined the call. Therefore, I dismiss the tenant's application in its entirety without leave to reapply.

The *Residential Tenancy Act* specifies that where I dismiss a tenant's application to cancel a notice to end a tenancy given by a landlord, I must grant an Order of Possession in favour of the landlord, so long as the notice given is in the approved form.

In this case, the landlord's agent advised that the tenant has vacated the rental unit and the landlord has possession. Therefore, I decline to grant an Order of Possession in favour of the landlord.

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed in its entirety 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: December 20, 2021

Residential Tenancy Branch