



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding WALL FINANCIAL CORPORATION C/O PETER WALL MANSION  
AND ESTATES  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNDCT, CNC

### Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Tenant on August 11, 2021 (the “Application”). The Tenant applied as follows:

- To dispute a One Month Notice to End Tenancy for Cause
- For compensation for monetary loss or other money owed

The Tenant did not appear at the hearing. The Agent for the Landlord did appear. The Agent advised that the Landlord already received an Order of Possession for the rental unit and the Tenant moved out around the end of August of 2021. The Agent confirmed the Landlord is not seeking an Order of Possession in the circumstances.

The Agent provided the correct name of the Landlord which is reflected in the style of cause.

I waited 14 minutes, until 1:44 p.m., to allow the Tenant to participate in this hearing scheduled for 1:30 p.m. The Tenant did not call into the hearing.

Rule 7.3 of the Rules of Procedure states:

#### 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.

Given the Tenant did not appear at the hearing to provide a basis for the Application, and the Agent for the Landlord did appear, the Application is dismissed without leave to re-apply.

I decline to issue an Order of Possession pursuant to section 55 of the *Residential Tenancy Act* (the “*Act*”) given the Landlord is not seeking one.

The Agent for the Landlord asked about abandonment at the hearing. The Agent can refer to the following section of the RTB website for information about abandonment:

<https://www2.gov.bc.ca/gov/content/housing-tenancy/residential-tenancies/ending-a-tenancy/items-left-behind>

The Agent for the Landlord can also contact the RTB as set out on the last page of this decision.

### 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: December 14, 2021

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Residential Tenancy Branch