



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Royal York Capital Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC

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 One Month Notice to End Tenancy for Cause (Notice) issued by the landlord.

The hearing began at 9:30 a.m. Pacific Time on Friday, December 17, 2021, as scheduled and the telephone system remained open and was monitored for 12 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.

The agent testified that the tenant had vacated the rental unit and new tenants had moved in. Therefore, the landlord did not require an order of possession of the rental unit. In addition, the agent testified that he communication with the tenant prior to the hearing, and that both parties mutually agreed to go their separate ways and there would be no further matters to resolve with this tenancy.

I continued the hearing for 12 minutes, in order to allow the tenant an opportunity to call into 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 tenant at the hearing, I order the application dismissed, 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*. 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 17, 2021

Residential Tenancy Branch