



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding LOCKE PROPERTY MANAGEMENT
INC. and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR

Introduction and Preliminary Matters

On September 16, 2021, the Tenant applied for a Dispute Resolution proceeding seeking to cancel a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the “Notice”) pursuant to Section 46 of the *Residential Tenancy Act* (the “Act”).

The Tenant did not attend the hearing at any point during the 11-minute teleconference. M.D. attended the hearing as an agent for the Landlord. At the outset of the hearing, I informed M.D. that recording of the hearing was prohibited and he was reminded to refrain from doing so.

This hearing was scheduled to commence via teleconference at 11:00 AM on January 28, 2021.

Rule 7.1 of the 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.

I dialed into the teleconference at 11:00 AM and monitored the teleconference until 11:11 AM. Only the Respondent dialed into the teleconference during this time. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I confirmed during the hearing that the Applicant did not dial in, and I also confirmed from the teleconference system that the only party who had called into this teleconference was a representative of the Landlord.

As the Tenant did not attend the hearing, I dismiss this Application without leave to reapply.

M.D. advised that the Tenant gave up vacant possession of the rental unit on October 22, 2021. As well, the Landlord had already been awarded an Order of Possession on a Decision dated September 28, 2021 (the relevant file number is noted on the first page of this Decision).

I note that Section 55 of the *Act* requires that when a Tenant submits an Application for Dispute Resolution seeking to cancel a notice to end tenancy issued by a Landlord, I must consider if the Landlord is entitled to an Order of Possession if the Application is dismissed and the Landlord has issued a notice to end tenancy that complies with the *Act*.

As the Tenant's Application has been dismissed, and as she has already given up vacant possession of the rental unit, it is not necessary to grant an Order of Possession on this Application.

Conclusion

I dismiss the Tenant's Applications 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: January 28, 2022

Residential Tenancy Branch