



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC FFT

Introduction

This hearing dealt with an Application for Dispute Resolution (application) by the tenant seeking remedy under the *Residential Tenancy Act* (Act) to cancel the 1 Month Notice for Cause and to recover the cost of the filing fee.

The tenant was provided with a copy of the Notice of a Dispute Resolution Proceeding dated September 13, 2021 (Notice of Hearing) when they made their application. The tenant, however, did not attend the hearing set for January 6, 2022 at 9:30 a.m. Pacific Time. The phone line remained open for 10 minutes and was monitored throughout this time. The only person to call into the hearing was the respondent and the daughter of the respondent. The landlord testified that they are no longer the landlord as they sold the rental unit as of November 2021.

Analysis

Residential Tenancy Branch (RTB) Rules of Procedure (Rules) 7.1 and 7.3 apply and state:

7.1 Commencement of the dispute resolution hearing

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

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 above and following the 10-minute waiting period, the application of the tenant was **dismissed without leave to reapply**. This decision does not extend any

applicable time limits under the Act. The respondent attended the hearing, yet the applicant tenant did not attend the hearing to present the merits of their application.

The filing fee is not granted as the application was dismissed.

An order of possession is not granted as the respondent confirmed they are no longer the landlord as of November 2021, when the rental unit was sold.

Conclusion

The application is dismissed in full without leave to reapply.

The filing fee is not granted.

This decision will be emailed to both parties at the email addresses confirmed by the respondent and the email address for the tenant provided in the tenant's application.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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 10, 2022

Residential Tenancy Branch