



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding PHS COMMUNITY SERVICES  
SOCIETY and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      CNC OLC RP PSF LRE AAT LAT

### Introduction

This hearing dealt with an Application for Dispute Resolution (application) by the tenant seeking remedy under the *Residential Tenancy Act* (Act) to cancel a 1 Month Notice to End Tenancy for Cause dated September 16, 2021 (1 Month Notice), for an order directing the landlord to comply with the Act, regulation or tenancy agreement, for regular repairs to the unit, site or property, for an order directing the landlord to provide services or facilities agreed upon but not provided, for an order to suspend or set conditions on the landlord's right to enter the rental unit, site or property, for an order to allow access to the unit by the tenant or the tenant's guests, and for permission to change the locks to the rental unit.

The tenant was provided with a copy of the Notice of a Dispute Resolution Proceeding dated October 6, 2021 (Notice of Hearing) when they made their application. The tenant, however, did not attend the hearing set for this date, February 8, 2022 at 9:30 a.m. Pacific Time. The phone line remained open for 10 minutes and was monitored throughout this time. The only persons to call into the hearing were two agents for the landlord, BH and JV.

### Preliminary and Procedural Matters

The agents were informed at the start of the hearing that recording of the dispute resolution is prohibited under the Residential Tenancy Branch (RTB) Rules of Procedure (Rules) Rule 6.11. The agents were also informed that if any recording devices were being used, they were directed to immediately cease the recording of the hearing. In addition, the agents were informed that if any recording was surreptitiously made and used for any purpose, they will be referred to the RTB Compliance Enforcement Unit for the purpose of an investigation under the Act. Neither agent had any questions about my direction pursuant to RTB Rule 6.11.

In addition, the agents confirmed their email address at the outset of the hearing and stated that they understood that the decision would be emailed to them. As the tenant provided their email in the application, the decision will also be emailed to the tenant.

### Analysis

RTB 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 respondents attended the hearing, yet the applicant tenant did not attend the hearing to present the merits of their application.

The agents stated that they do not want an order of possession as the tenancy will be continuing based on the agreement of the parties.

The filing fee was waived already so is not granted.

### Conclusion

The application is dismissed in full without leave to reapply.

This decision will be emailed to both parties at the email addresses confirmed by the owner 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: February 8, 2022