



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

On December 6, 2021, the Tenant made an Application for Dispute Resolution seeking to cancel a One Month Notice to End Tenancy for Cause (the “Notice”) pursuant to Section 47 of the *Residential Tenancy Act* (the “Act”).

On December 8, 2021, this matter was set down for a hearing on March 22, 2022 at 11:00 AM.

The Landlord attended the hearing, with A.C. attending as an agent for the Landlord; however, the Tenant did not attend at any point during the 11-minute teleconference. At the outset of the hearing, they provided a solemn affirmation.

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 Landlord and her agent 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 also confirmed from the teleconference system that the Landlord and her agent were the only people who had called into this teleconference.

The Landlord advised that the Tenant gave up vacant possession of the rental unit on February 4, 2022. As vacant possession of the rental unit has been returned to the

Landlord already, and as the Tenant has not attended the hearing, it is not necessary to consider the issuance of an Order of Possession as the tenancy is already over.

Conclusion

As vacant possession of the rental unit has been returned to the Landlord already, and as the Tenant has not attended the hearing, I dismiss the Tenant's Application to cancel the Notice 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: March 22, 2022

Residential Tenancy Branch