



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      **CNL-4M, OLC**

### Introduction

This reconvened hearing dealt with the Tenant's application for dispute resolution ("Application") pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of a Four Month Notice to End Tenancy for Demolition or Conversion to Another Use dated November 1, 2021 ("4 Month Notice"), pursuant to section 49; and
- an order the Landlord comply with the Act, *Residential Tenancy Regulations* ("Regulations") and/or tenancy agreement pursuant to section 62.

The original hearing of this application was held on March 11, 2022 ("Original Hearing"). The Tenant, a translator for the Tenant ("LL") and the Tenant's legal counsel ("MS") attended the hearing. A person who purported to be the Landlord's father ("NT") and his translator ("TD") appeared at the hearing but the Landlord did not submit an authorization for NT to act on her behalf. In addition, the Landlord did not provide her address for service in the tenancy agreement contrary to section 13(2)(e) of the Act nor did the Landlord did not provide her address for served on the 4 Month Notice. The Tenant made an application to the Residential Tenancy Branch ("RTB") for substituted service of the NDRP and his evidence on the Landlord, but his application was dismissed on the basis that there was no evidence that the Landlord resides at the address provided by the Landlord. As a result, there was an issue whether the Landlord had been served by the Tenant with the Notice of Dispute Resolution Proceeding for the Original Hearing.

In order to allow the Landlord to provide an address for service and for the parties to serve each other with their evidence, I adjourned the Original Hearing pursuant to Rule 7.8 of the *Residential Tenancy Branch Rules of Procedure* ("RoP") and issued a decision dated March 23, 2022 ("Interim Decision"). The Interim Decision and Notice of

Dispute Resolution Proceeding for this adjourned hearing were served on the parties by the Residential Tenancy Branch ("RTB"). The reconvened hearing was set down for April 28, 2022 by telephone conference call at 1:30 pm (Pacific Time). The line remained open while the phone system was monitored for ten minutes, and no participant called into the hearing during this time. I confirmed that the correct call-in numbers and participant codes were provided in the Notice of Dispute Resolution Proceeding.

Prior to this adjourned hearing, the Landlord and Tenant submitted a signed settlement agreement to the RTB in which the parties agreed, among other things, to the Landlord cancelling the 4 Month Notice and the Tenant withdrawing the Application.

Rule 7.3 of the *Residential Tenancy Branch Rules of Procedure* states:

**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 reapply.

As the Landlord and Tenant have submitted a settlement agreement between themselves and as neither the Landlord nor Tenant attended the adjourned hearing by 1:40 pm, I order the Application dismissed without leave to reapply. I make no findings on the merits of the Application.

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: April 29, 2022

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Residential Tenancy Branch