



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC, FF

### Introduction, Preliminary and Procedural Matters-

This telephone conference call hearing was convened as the result of the landlord's application for dispute resolution seeking remedy under the Residential Tenancy Act (Act) for:

- an order of possession of the rental unit pursuant to a One Month Notice to End Tenancy for Cause (Notice) served to the tenant; and
- to recover the cost of the filing fee.

The hearing began at 11:00 am Pacific Time on Monday, April 4, 2022, as scheduled and the telephone system remained open and was monitored for 11 minutes. During this time, the landlord did not call into the hearing; however, the tenant was present and ready to proceed with the hearing.

The tenant was affirmed into the hearing and was informed that recording of the Residential Tenancy Branch (RTB) was prohibited.

I continued the hearing for 11 minutes, in order to allow the landlord to call into the hearing.

### Analysis and Conclusion

Rules 7.3 and 7.4 of the Rules of Procedure provides as follows:

#### **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.

#### **7.4 Evidence must be presented**

Evidence must be presented by the party who submitted it, or by the party's agent.

If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

Accordingly, in the absence of any evidence or submissions from the applicant/landlord at the hearing, **I order the application dismissed, without leave to reapply.**

The landlord filed a copy of the Notice. The Notice was dated November 10, 2021, for an effective move-out date of December 31, 2021. The tenant confirmed receiving the Notice.

As I have dismissed the landlord's application, without leave to reapply, and as the landlord has presented no evidence at the hearing about the merits of the Notice, **I order the Notice is cancelled. I order** the Notice is null and void and the tenancy continues until it may otherwise end under the Act.

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*. Pursuant to section 77(3) of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: April 04, 2022

---

Residential Tenancy Branch