



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Penticton and District Society for Community
Living and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, OLC, MNDC

Introduction, Preliminary and Procedural Matters-

This hearing convened to deal with the tenant's application for dispute resolution (application) seeking remedy under the Residential Tenancy Act (Act). The tenant applied for an order cancelling the One Month Notice to End Tenancy for Cause (Notice) issued by the landlord, an order requiring the landlord to comply with the Act, regulations, or tenancy agreement, and compensation for a monetary loss or other money owed.

The hearing began at 11:00 a.m. Pacific Time on Thursday, August 25, 2022, as scheduled and the telephone system remained open and was monitored for 12 minutes. During this time, the tenant did not call into the hearing; however, the landlord was present and ready to proceed with the hearing.

The landlord submitted that there have been helpful sessions with the tenant since the Notice was issued and as a result, the landlord said they agreed with the tenant to withdraw their Notice.

The tenant was not present to confirm their agreement that the Notice be withdrawn. As such, I accept the landlord's request to withdraw their Notice.

Due to the above, the Notice issued in this matter is withdrawn.

As a result, I find it was no longer necessary to consider that part of the tenant's application, as the matter is moot.

As to the two remaining issues, for an order requiring the landlord to comply with the Act, regulations, or tenancy agreement and for monetary compensation from the landlord, the tenant was not present to provide evidence for these issues.

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 tenant at the hearing, **I order** the application for an order requiring the landlord to comply with the Act, regulations, or tenancy agreement and compensation for a monetary loss or other money owed **dismissed 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*. 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: August 25, 2022

Residential Tenancy Branch