



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding CASCADIA APARTMENTS  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes**      **FFT, CNC, MNDCT, PSF**

### **Introduction**

This hearing dealt with an application by the tenant under the *Residential Tenancy Act* (the *Act*) for the following:

- Cancellation of One Month Notice to End Tenancy for Cause (“One Month Notice”) pursuant to section 47;
- A monetary order for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* (“*Regulation*”) or tenancy agreement pursuant to section 67 of the *Act*;
- An order requiring the landlord to provide services or facilities required by the tenancy agreement or law pursuant to section 62(3);

The tenant attended the hearing and was given the opportunity to make submissions as well as present affirmed testimony and written evidence. The hearing process was explained, and an opportunity was given to ask questions about the hearing process.

### ***Attendance by Landlord***

The landlord did not appear at the hearing.

I kept the teleconference line for 10 minutes to allow the landlord the opportunity to call. The teleconference system indicated only the tenant and I had called into the hearing. I confirmed the correct call-in number and participant code for the landlord had been provided.

### *Service*

The tenant provided documents indicating they served the landlord by registered mail sent on May 6, 2022 and deemed received by the landlord under section 90 of the Act five days later, that is, May 11, 2022.

The tenant submitted the mailing receipt as evidence which included the Canada Post Tracking Number.

Pursuant to the tenant's evidence and sections 89 and 90, I find the tenant served the landlord with the Notice of Hearing and Application for Dispute Resolution on May 11, 2022.

### *Withdrawal of Tenant's Claims*

The tenant stated as follows. After a change in management, the landlord informed him they had withdrawn the One Month Notice. The landlord informed the tenant he did not need to attend at the hearing.

The tenant withdrew his application in its entirety.

Rule 7.3 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 reapply.*

As the landlord did not attend the hearing and in the absence of any evidence or submissions, I order the application dismissed without leave to reapply.

**Conclusion**

I order the application 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*.

Dated: August 25, 2022

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Residential Tenancy Branch