



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

This hearing convened as a result of a Tenants' Application for Dispute Resolution, filed on September 26, 2022, wherein the Tenant sought to cancel a 1 Month Notice to End Tenancy for Cause.

The hearing was scheduled for 9:30 a.m. on November 2, 2022. The line remained open while the phone system was monitored for 11 minutes and the only participant who called into the hearing during this time was the Respondent Landlord and his spouse, L.C. The Tenant did not attend this hearing, although I left the teleconference hearing connection open until 9:41 a.m. 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 I were the only ones who had called into this teleconference.

The Landlord confirmed that the Tenant vacated the rental unit on October 9, 2022. The Landlord further confirmed that he attended the rental unit on October 15, 2022, at which time he discovered the Tenant had removed all of their personal effects.

Analysis and Conclusion

Hearings before the Residential Tenancy Branch are conducted in accordance with the *Residential Tenancy Branch Rules of Procedure*. Rules 7.1, 7.3 and 7.4 address the requirement of a party to call into the teleconference hearing and read as follows:

7.1 Commencement of Hearing

The hearing must commence at the scheduled time unless otherwise decided by the arbitrator.

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.

As the Tenant did not call into the hearing by 9:41 a.m., and the Landlord appeared and was ready to proceed, **I dismiss the Tenant's claim without leave to reapply.**

While section 55 of the *Residential Tenancy Act* provides that a Landlord is entitled to an Order of Possession in such cases, the Landlord has already regained possession of the rental unit such that a possession order is not required.

This Decision is final and binding on the parties, except as otherwise provided under the Act, and 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: November 24, 2022

Residential Tenancy Branch