



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding PARNI ENTERPRISES LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

**Dispute Codes**      CNC, PSF

### **Introduction**

This hearing convened as a result of a Tenant's Application for Dispute Resolution, filed on September 26, 2022, wherein the Tenant sought to cancel a 1 Month Notice to end tenancy for Cause issued on September 18, 2022, as well as an Order that the Landlord provide services or facilities.

The hearing was scheduled for 9:30 a.m. on December 1, 2022. The line remained open while the phone system was monitored for ten minutes and the only participants who called into the hearing during this time were representatives for the Respondent Landlord. The Tenant did not attend this hearing, although I left the teleconference hearing connection open until 9:40 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's representatives and I were the only ones who had called into this teleconference.

### **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 9:40 a.m., and the Landlord's representatives appeared and were ready to proceed, **I dismiss the Tenant's claim without leave to reapply.**

Section 55 of the *Residential Tenancy Act* provides as follows:

**55** (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant to the landlord an order of possession of the rental unit if

- (a) the landlord's notice to end tenancy complies with section 52 [*form and content of notice to end tenancy*], and
- (b) the director, during the dispute resolution proceeding, dismisses the tenant's application or upholds the landlord's notice.

T.P. testified that although the Notice originally indicated that the date the Notice was signed was November 18, 2022, this was immediately corrected to September 18, 2022, and initialled prior to serving on the Tenant. I accept T.P.'s testimony in this respect.

I have reviewed the Notice and find that the Notice complies with section 52 of the *Act*. As I have dismissed the Tenant's Application, I grant the Landlord an Order of Possession effective **two days** after service upon the Tenant. This Order must be served on the Tenant and may be enforced in the Supreme Court of British Columbia.

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: December 01, 2022

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Residential Tenancy Branch