



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OPR-DR, MNR-DR

Introduction

This hearing dealt with cross-applications filed by the parties. On October 21, 2022, the Tenant made an Application for Dispute Resolution seeking to cancel a 10 Day Notice to End Tenancy for Unpaid Rent and Utilities (the “Notice”) pursuant to Section 46 of the *Residential Tenancy Act* (the “Act”).

On October 21, 2022, the Landlord made an Application for Dispute Resolution seeking an Order of Possession based on the Notice pursuant to Section 46 of the *Act* and seeking a Monetary Order for compensation pursuant to Section 67 of the *Act*.

On November 7, 2022, these Applications were set down for a Dispute Resolution Proceeding on January 16, 2022, at 11:00 AM.

C.G. attended the hearing as an advocate for the Tenant; however, the Landlord did not attend at any point during the 11-minute teleconference.

Rule 7.1 of the Rules of Procedure stipulates that the hearing must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the hearing in the absence of a party and may make a Decision or dismiss the Application, with or without leave to re-apply.

I dialed into the teleconference at 11:00 AM and monitored the teleconference until 11:11 AM. Only a representative for the Tenant dialed into the teleconference during this time. 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 I was the only other person who had called into this teleconference.

At the outset of the hearing, C.G. advised that the Tenant had given up vacant possession of the rental unit in or around October or November 2022. As the Tenant has given up vacant possession of the rental unit, and as the Landlord did not attend the hearing, both Applications are dismissed without leave to reapply.

Conclusion

Based on the above, both Applications are 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: January 16, 2023

Residential Tenancy Branch