



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      **CNR-MT CNL OLC FFT**

### **Introduction**

This hearing was convened as a result of two applications for dispute resolution (collectively the “Applications”) made by the Tenant under the *Residential Tenancy Act* (the “Act”).

In the first application for dispute resolution (“First Application”), the Tenant seeks:

- an order for cancellation of a One Month Notice to End Tenancy for Landlord’s Use of Property dated August 22, 2022 pursuant to section 49;
- an order for the Landlord to comply with the Act, *Residential Tenancy Regulations* and/or the tenancy agreement pursuant to section 62; and
- authorization to recover the filing fee for the First Application from the Landlord pursuant to section 72.

In the second application for dispute resolution (“Second Application”), the Tenant seeks:

- an order for more time to make an application to cancel the Landlord’s 10 Day Notice to End Tenancy for Unpaid Rent and/or Utilities dated October 16, 2022 (“10 Day Notice”) pursuant to section 66;
- if an extension of time to make an application to dispute the 10 Day Notice is granted, an order for cancellation of the 10 Day Notice pursuant to section 46; and
- an order for the Landlord to comply with the Act, *Residential Tenancy Regulations* and/or the tenancy agreement pursuant to section 62; and
- authorization to recover the filing fee for the Second Application from the Landlord pursuant to section 72.

The Tenant did not attend this hearing scheduled for 11:00 am. I left the teleconference hearing connection open for the entire hearing, which ended at 11:11 am, in order to enable the Tenant to call into this teleconference hearing. The Landlord attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes were provided in the Notice of Dispute Resolution Proceeding for the First Application and the Notice of Dispute Resolution for the Second Application. I also confirmed from the teleconference system that the Landlord and I were the only ones who had called into this teleconference.

The Landlord stated the Tenant only served him with the Notice of Dispute Resolution Proceeding for one of the Applications made by the Tenant.

#### Preliminary Matter – Effect of Non-Attended by Tenants at Hearing

Rules 7.1, 7.3 and 7.4 of the *Residential Tenancy Branch Rules of Procedure* state:

##### **7.1 Commencement of the dispute resolution hearing**

The dispute resolution hearing will commence at the scheduled time unless otherwise set 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 the 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.

Given the Tenant did not attend the hearing before the hearing ended at 11:11 am, being more than 10 minutes after of its commencement, the First Application and Second Application are dismissed without leave to reapply.

Conclusion

The First Application and the Second Application 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 23, 2023

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Residential Tenancy Branch