



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding HOLLYBURN PROPERTIES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes For the tenant: CNC, FF
For the landlord: OPC, FF

Introduction

This hearing was convened as the result of the cross applications of the parties for dispute resolution seeking remedy under the Residential Tenancy Act (Act).

The tenant applied for the following:

- an order cancelling the One Month Notice to End Tenancy for Cause (Notice) issued by the landlord; and
- recovery of the cost of the filing fee.

The landlord applied for the following:

- an order of possession of the rental unit pursuant to the Notice served to the tenant; and
- recovery of the cost of the filing fee.

The landlord's agent attended the hearing and said the tenant vacated the rental unit sometime before Christmas, confirming they did not need to pursue their application. We waited 10 minutes in order to allow the tenant to call into the hearing. After 10 minutes, the tenant had not attended, and the hearing concluded.

Rules 7.3 and 7.4 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 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.

Accordingly, in the absence of any evidence or submissions from the tenant at the hearing, I **order** the tenant's application **dismissed, without leave to reapply**.

As the landlord confirmed that no further action is required on this file, the landlord's file is closed.

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*. Pursuant to section 77(3) of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: January 27, 2023

Residential Tenancy Branch