



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR

Introduction

One of the tenants of the at-issue rental unit applied to the Residential Tenancy Branch [the 'RTB'] for Dispute Resolution. This tenant asks me to cancel a Notice to End Tenancy for Unpaid Rent, issued by the landlord to the tenant on 7 March 2023 [the 'Notice'].

The landlord appeared at the hearing on 13 April 2023. The tenant failed to appear.

Preliminary Matter - Non-appearance at the Hearing

The tenant did not attend this hearing, although I left the teleconference hearing connection open throughout the hearing which commenced at 1300 hours and ended at about 1312 hours. I confirmed:

1. that the RTB had provided the correct call-in numbers and participant codes in the Notice of Hearing; and
2. by reviewing the teleconference system, that the landlord and I were the only ones who had called into this teleconference.

Rule 7.3 of the RTB Rules of Procedure reads:

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.

The tenant failed to attend this hearing, but I conducted it in the tenant's absence. I was satisfied that the tenant had sufficient information regarding this hearing so as to be able to participate if they chose to do so.

Issues to be Decided

Should I cancel the Notice?

If I should not, then is the landlord entitled to:

1. an order of possession; and
2. an order that the tenant pay the landlord outstanding rent?

Background and Evidence

After waiting 10 minutes to see whether the tenant would participate in the hearing, the landlord told me that the tenant had, in fact, paid the rent which the landlord claimed in the Notice was unpaid. As a result, the landlord told me they did not wish to rely upon the Notice, and wished for the tenancy to continue.

Conclusion

As the landlord conceded that, though they had issued the Notice for unpaid rent, the tenant had then paid that rent to the landlord's satisfaction, I cancelled the Notice.

I make this decision on authority delegated to me by the Director of the RTB *per* section 9.1(1) of the Act.

Dated: 13 April 2023

Residential Tenancy Branch