Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- cancellation of the landlord's One Month Notice to End Tenancy for Cause (the One Month Notice) pursuant to section 47.

While the respondent attended the hearing by way of conference call, the applicant did not, although I waited until 11:12 a.m. in order to enable the applicant to connect with this teleconference hearing scheduled for 11:00 a.m. The applicant should have been aware of the hearing date, time and call in instructions as this dispute was initiated by the applicant and the applicant was required to serve a copy of the notice of hearing on the respondent.

The landlord testified that the tenant did not serve the landlord with the Application for Dispute Resolution of the Notice of Hearing.

Accordingly, in the absence of the applicant's participation in this hearing and the tenant's failure to serve the landlord with the Application, I order the tenant's application dismissed without leave to reapply.

A copy of the One Month Notice was not provided on file, so I am unable to confirm the Notice was in compliance with the form and content requirements of section 52 of the Act which is required before issuing an order of possession to the landlord.

In either event, the landlord stated that the tenant has not been seen in the rental unit since shortly after the One Month Notice was issued so it appears the tenant may have abandoned the unit.

The landlord was advised if it still required an order of possession, the landlord would have to file its own application requesting such.

Conclusion

The application is 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: May 12, 2023

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Residential Tenancy Branch