



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes AS, OLC, FFT

Introduction

This hearing was convened as a result of the Tenant's Applications for Dispute Resolution ("Applications") under the *Residential Tenancy Act* ("Act"), for an order to allow an assignment or sublet; for an Order for the Landlord to Comply with the Act or tenancy agreement; and to recover his \$100.00 Application filing fees.

The Landlord, F.C., an agent for the Landlord, B.M., and counsel for the Landlord, A.E. ("Counsel"), appeared at the teleconference hearing. No one attended on behalf of the Tenant. The teleconference phone line remained open for over ten minutes and was monitored throughout this time. The only persons to call into the hearing were the Landlord, her agent and Counsel, who indicated that they were ready to proceed. I confirmed that the teleconference codes provided to the Parties were correct and that the Tenant was not on the teleconference line.

The Landlord and Counsel advised that the Tenant had abandoned the rental unit at the end of March 2023, and that he had not provided a forwarding address. Further, they said the Tenant did not attend the move-out condition inspection of the rental unit, of which Counsel had provided the Tenant with prior notice in writing via email.

The Residential Tenancy Branch ("RTB") provided the Tenant with a copy of the Notices of a Dispute Resolution Hearing on January 31, 2023; however, the Tenant did not attend the teleconference hearing scheduled for May 16, 2023, at 9:30 a.m. (Pacific Time).

Rule 7.1 of the RTB Rules of Procedure ("Rules") states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. The Respondent Landlord, her agent and Counsel, and I attended the hearing on time and were ready to proceed, and there was no evidence before me that the Parties had agreed to reschedule or adjourn the matter.

Rule 7.3 states that 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 reapply. The teleconference line remained open for over ten minutes, however, neither the Applicant nor an agent acting on his behalf attended to provide any evidence or testimony for my consideration. As a result, and pursuant to Rule 7.3, I **dismiss the Tenant's Application without leave to reapply**.

The Landlord advised me of another application by the Tenant scheduled for June 16, 2023, requesting that a Two Month Notice be cancelled. However, as the Tenant has moved out, I anticipate that this hearing is no longer required. **I urge the Tenant call the RTB to cancel that June 16, 2023, hearing**, although he may also need the Landlord's approval to cancel that hearing, as it could lead to an order of possession for the Landlord.

Conclusion

The Tenant's Applications are dismissed without leave to reapply, as the Tenant or an Agent for the Tenant did not attend the hearing to present the merits of the Applications. The Respondent Landlord did attend the hearing.

This Decision does not extend any applicable time limits under the Act.

This Decision will be emailed to the address provided by the Landlord during the hearing and to the email address provided by the Tenant in the Application.

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 16, 2023

Residential Tenancy Branch