



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

A matter regarding CAPREIT LIMITED PARTNERSHIP and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, OPC, MNRL-S, FFL

Introduction and Preliminary Matters

This hearing dealt with cross-applications filed by the parties. On October 6, 2023, the Tenant made an Application for Dispute Resolution seeking to cancel a One Month Notice to End Tenancy for Cause (the Notice) pursuant to section 47 of the *Residential Tenancy Act* (the Act).

On October 16, 2023, the Landlord made an Application for Dispute Resolution seeking an Order of Possession based on the Notice pursuant to section 47 of the Act, seeking a Monetary Order for compensation pursuant to section 67 of the Act, and seeking to recover the filing fee pursuant to section 72 of the Act.

B.K. attended the hearing as an agent for the Landlord; however, the Tenant did not attend at any point during the 11-minute teleconference. All parties in attendance provided a solemn affirmation.

Rule 7.1 of the Rules of Procedure stipulates that the hearing must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the hearing in the absence of a party and may make a Decision or dismiss the Application, with or without leave to re-apply.

I dialed into the teleconference at 11:00 AM and monitored the teleconference until 11:11 AM. Only a representative of the Landlord dialed into the teleconference during this time. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that I was the only other person who had called into this teleconference.

Given that the Tenant did not attend the hearing, I have dismissed the Tenant's Application without leave to reapply.

B.K then advised that the Tenant had given up vacant possession of the rental unit on December 20, 2023. As such, granting an Order of Possession would be a moot point.

As the Landlord was successful in this Application, I find that the Landlord is entitled to recover the \$100.00 filing fee paid for this Application. Under the offsetting provisions of section 72 of the Act, I allow the Landlord to retain this amount from the security deposit in satisfaction of this debt outstanding.

Conclusion

The Tenant's Application for Dispute Resolution is dismissed without leave to reapply.

The Landlord's Application for Dispute Resolution with respect to a Monetary Order for compensation is dismissed with 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 16, 2024

Residential Tenancy Branch