



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNC, OLC, PSF, RR, FF

Introduction

Pursuant to section 58 of the *Residential Tenancy Act* (“*Act*”), I was designated to hear this matter. This hearing dealt with the tenant’s application for:

- more time to make an application to cancel the landlord’s 1 Month Notice to End Tenancy for Cause, dated September 14, 2015 (“1 Month Notice”), pursuant to section 66;
- cancellation of the landlord’s 1 Month Notice, pursuant to section 47;
- an order requiring the landlord to comply with the *Act*, *Residential Tenancy Regulation* (“*Regulation*”) or tenancy agreement, pursuant to section 62;
- an order to the landlord to provide services or facilities required by law, pursuant to section 65;
- an order to allow the tenant to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65;
- authorization to recover the filing fee for this application from the landlord, pursuant to section 72.

While the respondent landlord attended the hearing by way of conference call, the applicant tenant did not, although I waited until 11:16 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 11:00 a.m.

The landlord confirmed that she received a copy of the tenant’s application for dispute resolution hearing package (“*Application*”). In accordance with sections 89 and 90 of the *Act*, I find that the landlord was duly served with the tenant’s *Application*.

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 Commencement of the dispute resolution proceeding: The dispute resolution proceeding must commence at the scheduled time unless otherwise

decided by the Arbitrator. The Arbitrator may conduct the dispute resolution proceeding in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

In the absence of the tenant's participation in this hearing, I order the tenant's entire Application dismissed without leave to reapply.

Section 55(1) of the *Act* reads as follows:

55 (1) *If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director **must** grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,*

(a) the landlord makes an oral request for an order of possession, and

(b) the director dismisses the tenant's application or upholds the landlord's notice.

The landlord testified that she did not wish to seek an order of possession for cause, pursuant to section 55 of the *Act*, against the tenant, despite the fact that the tenant's Application to cancel the 1 Month Notice was dismissed. The landlord confirmed that the tenant had already vacated the rental unit at the end of October 2015.

Conclusion

The tenant's entire Application is dismissed without leave to reapply. The tenant must bear the cost of his own \$50.00 filing fee.

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: December 02, 2015

Residential Tenancy Branch

