



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OLC

Introduction

Pursuant to section 58 of the *Residential Tenancy Act* (the *Act*), I was designated to hear an application regarding the above-noted tenancy. The tenant applied for:

- cancellation of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the Notice) pursuant to section 46 of the Act; and
- an order for the landlord to comply with the Act, the Residential Tenancy Regulation (the Regulation) and/or tenancy agreement, pursuant to section 62 of the Act.

The respondent (landlord) called into this teleconference at the date and time set for the hearing of this matter. The applicant (tenant) did not, although I waited until 9:48 A.M. to enable her to connect with this teleconference hearing scheduled for 9:30 A.M.

I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the respondent and I were the only persons who had called into this teleconference.

The landlord confirmed she received the Notice of Hearing from the tenant by text message on August 24, 2020. The landlord did not receive any evidence from the tenant and did not submit any evidence. I find the landlord was served the Notice of Hearing in accordance with section 71(2)(c) of the Act.

Preliminary Issue – Tenant's application dismissed

Rules 7.1 and 7.3 of the Rules of Procedure provide as follows:

Rule 7 – During the hearing

7.1 Commencement of the dispute resolution hearing

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

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.

Accordingly, in the absence of any attendance at this hearing by the applicant I order the application dismissed without leave to reapply.

Furthermore, the landlord affirmed the Notice was served on August 02, 2020 by posting it to the tenant's door for the unpaid rent due on August 01, 2020 in the amount of \$550.00. The landlord stated the tenant paid the rent in arrears on August 06, 2020.

Conclusion

I dismiss the tenant's application 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: October 06, 2020