



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution, filed on October 8, 2020, wherein the Tenant sought to cancel a 1 Month Notice to End Tenancy for Cause, issued on September 28, 2020 (the "Notice").

The hearing of the Tenant's Application was scheduled for 9:30 a.m. on December 21, 2020. Only the Landlord called into this hearing. 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 the Landlord and I were the only ones who had called into this teleconference.

Analysis and Conclusion

Rules 7.1 and 7.3 of the *Residential Tenancy Branch Rules of Procedure* provide as follows:

Commencement of Hearing:

The hearing must commence at the scheduled time unless otherwise decided by the arbitrator.

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.

As the Applicant, the Tenant bears the burden of proving their claim on a balance of probabilities. As the Tenant did not call into the hearing by 9:41 a.m., and the Landlord called in and was ready to proceed, I dismiss the Tenant's claim without leave to

reapply. This includes dismissing her request that I cancel the Notice. Accordingly, the tenancy shall end in accordance with the Notice and the Tenant must vacate the rental unit.

As neither party provided a copy of the Notice in evidence before me, I am unable to determine whether the Notice complies with section 52 of the *Act* in terms of form and content; consequently, I am unable, at this time, to grant the Landlord an Order of Possession pursuant to section 55 of the *Act*. Should the Tenant not vacate the rental unit as required, the Landlord is at liberty to apply for an Order of Possession. In this event, the Landlord should provide a copy of this Decision with her Application.

This decision is final and binding on the parties, except as otherwise provided under the *Act*, and 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 21, 2020

Residential Tenancy Branch