



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNC-MT, FFT, OLC, RP, DRI**

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- An order to cancel a One Month Notice To End Tenancy for Cause pursuant to sections 47 and 55;
- A request for more time to cancel a Notice to End Tenancy pursuant to section 66;
- Authorization to recover the filing fee for this application from the landlord pursuant to section 72;
- An order for the landlord to comply with the Act, Regulations and/or tenancy agreement pursuant to section 62;
- An order for regular repairs pursuant to sections 32 and 62; and
- An order to dispute a rent increase pursuant to section 41.

The applicant/tenant did not attend this hearing, although I left the teleconference hearing connection open until 11:10 a.m. to enable the tenants to call into this teleconference hearing scheduled for 11:00 a.m. 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.

The landlord attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. The landlord acknowledged being served with the tenants' Application for Dispute Resolution Proceedings Package.

The landlord testified that he no longer wishes to pursue the notice to end tenancy that was served on the tenant, stating that the parties have come to a resolution. Based on

the landlord's evidence and the absence of the tenant to attend at the hearing of her own application, I deem the tenant has implied her consent to the landlord withdrawing the notice to end tenancy. I order that the notice to end tenancy issued on November 13, 2020 is cancelled and of no further force or effect. I make no findings on the validity of the reasons for ending the tenancy stated on it.

Analysis

Rule 7.3 of the Rules of Procedure also provides 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 re-apply. Rule 7.4 states that evidence must be presented by the party who submitted it, or by the party's agent.

Accordingly, **in the absence of the presentation of any evidence or submissions from the applicant, I order the remainder of the tenant's application be dismissed with leave to reapply.** The application to recover the filing fee is dismissed without leave to reapply.

Conclusion

The notice to end tenancy is cancelled and of no further force or effect.

The application to recover the filing fee is dismissed without leave to reapply.

The remainder tenant's application 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: February 05, 2021

Residential Tenancy Branch