



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC

### Introduction

This hearing dealt with an Application for Dispute Resolution filed by the Tenant to cancel a One Month Notice to End Tenancy for Cause ( the “Notice”) issued on February 5, 2021.

Only the landlord appeared. The tenant did not appear although we waited for their attendance for twenty minutes. The landlord stated that the tenant vacated the premise at the end of March 2021. The landlord stated that they were not served with the tenant’s application for dispute resolution and contacted the Residential Tenancy Branch on March 5, 2021, because the tenant had stated they made an application.

The landlord stated that the tenant only made this application to give them more time to vacate the premise, which is an abusive of the process and the Act

I note the tenant writes in their application “although rent was late it was a small portion”

In this case, I find the tenant’s application for dispute resolution was an abusive of the process. The tenant admitted that their rent was late, it does not matter if it was a small portion, even \$1.00 short in rent, is late rent. The full amount of rent is due on the date stated in the tenancy agreement.

I also find it an abusive of process when you make an application for dispute resolution with no intention of showing up for the hearing, such as in this case. The tenant vacated the premise at the end of March 2021. The tenant could have obtained the landlord’s consent to withdraw this matter and this hearing spot could have been used for another application waiting to be scheduled.

**I caution the tenant that if they are found abusing the process in the future, they could be subject of an administrative penalty.**

The tenant's application is dismissed 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: May 14, 2021

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Residential Tenancy Branch