



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **CNC, MNDCT, RP, LRE**

Introduction

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

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the "1 Month Notice") pursuant to section 47;
- a monetary award for damages and loss pursuant to section 67;
- an order for repairs pursuant to section 33; and
- an order to suspend or set limits on the landlord's right to enter the rental unit pursuant to section 70.

This matter was set for hearing by telephone conference call at 1:30 pm on this date. The line remained open while the phone system was monitored for fifteen minutes and the only participant who called into the hearing during this time was the agent for the respondent.

Rule 7.3 of the Rules of Procedure provides as follows:

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 reapply.

Therefore, as the applicant did not attend the hearing by 1:45 pm, and the respondent appeared and was ready to proceed, I dismiss the claim, in its entirety without leave to reapply.

While I have dismissed the tenant's application the landlord testified that they were granted an Order of Possession in an earlier hearing under the file number on the first page of this decision and the tenancy has ended. An order of possession is neither required nor sought. Accordingly, I decline to issue an order of possession.

Conclusion

The tenant's application is dismissed in its entirety 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 7, 2021

Residential Tenancy Branch