



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNE-MT

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution, filed on September 1, 2021, in which the Tenant sought to cancel a 1 Month Notice to End Tenancy for End of Employment issued on August 25, 2021 (the "Notice")

This matter was set for hearing by telephone conference call at 11:00 a.m. on this date. The line remained open until 11:12 a.m. and the only participant who called into the hearing during this time was the Landlord. 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 stated that the Tenant vacated the rental unit on or about October 31, 2021 such that he appears to have accepted the Notice.

Analysis and Conclusion

Hearings before the Residential Tenancy Branch are conducted in accordance with the *Residential Tenancy Branch Rules of Procedure*. Rules 7.1, 7.3 and 7.4 address the requirement of a party to call into the teleconference hearing and read as follows:

7.1 Commencement of Hearing

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

7.4 Evidence must be presented

Evidence must be presented by the party who submitted it, or by the party's agent. If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

As the Applicant, the Tenant bears the burden of proving their claim on a balance of probabilities. In the absence of any evidence or submissions from the Tenant and in the absence of the Tenant's participation in this hearing, I dismiss the Tenant's claim without leave to reapply. I make no findings on the merits of this matter.

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: January 13, 2022

Residential Tenancy Branch