



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC-MT

Introduction

This hearing dealt with an Application for Dispute Resolution (application) by the tenant seeking remedy under the *Residential Tenancy Act* (Act) for more time to make an application to cancel a 1 Month Notice for Cause.

The tenant was provided with a copy of the Notice of a Dispute Resolution Proceeding dated March 30, 2022 (Notice of Hearing) when they made their application. The tenant, however, did not attend the hearing set for this date, July 12, 2022 at 9:30 a.m. Pacific Time. The phone line remained open for 10 minutes and was monitored throughout this time. The only person to call into the hearing was the landlord who confirmed that the tenant has already vacated the rental unit and that the landlord has already received an Order of Possession at a previous hearing held on June 13, 2022.

Analysis

Residential Tenancy Branch (RTB) Rules of Procedure (Rules) 7.1 and 7.3 apply and state:

7.1 Commencement of the dispute resolution hearing

The dispute resolution hearing will commence at the scheduled time unless otherwise set 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.

Given the above and following the 10-minute waiting period, the application of the tenant was **dismissed without leave to reapply**. This decision does not extend any

applicable time limits under the Act. The respondent attended the hearing, yet the applicant tenant did not attend the hearing to present the merits of their application.

The filing fee was already waived.

Conclusion

The application is dismissed in full without leave to reapply.

This decision will be emailed to both parties at the email addresses listed in the tenant's 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: July 12, 2022

Residential Tenancy Branch