



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR-MT, OLC, RP

Introduction, Preliminary and Procedural Matters-

This telephone conference call hearing was convened as the result of the tenant's application for dispute resolution seeking remedy under the Residential Tenancy Act (Act) for:

- an order cancelling the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (Notice) issued by the landlord;
- an order extending the time to file an application disputing the Notice issued by the landlord;
- an order requiring the landlord to comply with the Act, regulations, or tenancy agreement; and
- an order requiring the landlord to make repairs to the rental unit.

The hearing began at 9:30 am Pacific Time on Monday, September 26, 2022, as scheduled and the telephone system remained open and was monitored for 10 minutes. During this time, the tenant did not call into the hearing; however, the landlord did call into the hearing.

I continued the hearing for 10 minutes, in order to allow the tenant to call into the hearing. While waiting for the tenant to dial into the hearing, the landlord said they were never served with the tenant's application and only learned of the hearing through communication with Residential Tenancy Branch (RTB) staff. Additionally, the landlord confirmed they received an order of possession of the rental unit and a monetary order for unpaid rent through their own application for dispute resolution. The landlord said that the tenant abandoned the rental unit, by July 6, 2022.

Rules 7.3 and 7.4 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 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.

Accordingly, in the absence of any evidence or submissions from the tenant, **I order the application 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*. Pursuant to section 77(3) of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: September 26, 2022

Residential Tenancy Branch