



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL-4M, FFT

Introduction and Preliminary Matters

On July 6, 2022, the Tenant applied for a Dispute Resolution proceeding seeking to cancel a Four Months' Notice to End Tenancy for Demolition or Conversion of a Rental Unit (the "Notice") pursuant to Section 49 of the *Residential Tenancy Act* (the "Act") and seeking to recover the filing fee pursuant to Section 72 of the *Act*.

This hearing was scheduled to commence via teleconference at 11:00 AM on February 9, 2023.

The Landlord attended the hearing; however, the Tenant did not attend at any point during the 12-minute teleconference. All parties in attendance provided a solemn affirmation.

Rule 7.1 of the Rules of Procedure stipulates that the hearing must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the hearing in the absence of a party and may make a Decision or dismiss the Application, with or without leave to re-apply.

I dialed into the teleconference at 11:00 AM and monitored the teleconference until 11:12 AM. Only the Respondent dialed into the teleconference during this time. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I confirmed during the hearing that the Applicant did not dial in, and I also confirmed from the teleconference system that the only other party who had called into this teleconference was the Landlord.

The Landlord advised that he served the Notice by hand and/or email sometime in June 2022; however, he withdrew this Notice as it was served incorrectly, and he testified that

the Tenant accepted this. As the Tenant did not attend the hearing, I dismiss his Application without leave to reapply. In addition, as the Landlord had withdrawn the Notice, and as the Tenant had accepted that, there is nothing for me to consider here.

As the Tenant was not successful in this claim, I find that the Tenant is not entitled to recover the \$100.00 filing fee paid for this Application.

Conclusion

I dismiss the Tenant's Application for Dispute Resolution 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: February 9, 2023

Residential Tenancy Branch