



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNC, MNDCT, FFT, PSF, OLC

Introduction

This hearing occurred by conference call in response to Applications for Dispute Resolution filed by the Tenant December 09 and 14, 2022 (the “Applications”). The Tenant sought:

- Compensation for monetary loss or other money owed
- An order that the Landlord provide services or facilities required by the tenancy agreement or law
- An order that the Landlord comply with the Act, regulation and/or the tenancy agreement
- To dispute a One Month Notice to End Tenancy for Cause served December 13, 2022 (the “Notice”)
- To recover the filing fees

The Landlord appeared at the hearing. Nobody appeared at the hearing for the Tenant. I waited 10 minutes at the outset of the hearing to allow the Tenant to call into the hearing; however, nobody did.

Rule 7.3 of the Rules of Procedure states:

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 Tenant did not appear at the hearing, and the Landlord did appear, the Applications are dismissed without leave to re-apply.

In relation to the request to dispute the Notice, dismissing the Applications would usually raise the issue of whether the Landlord is entitled to an Order of Possession under section 55(1) of the *Residential Tenancy Act*. However, neither party provided a copy of the Notice and therefore it was not before me. I cannot confirm if the Notice complies with section 52 of the *Act* without the Notice before me. I must be able to confirm the Notice complies with section 52 of the *Act* to issue an Order of Possession based on it. In the circumstances, I have not considered the Notice or whether the Landlord is entitled to an Order of Possession under section 55(1) of the *Act*.

Conclusion

The Applications are dismissed without leave to re-apply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: April 20, 2023

Residential Tenancy Branch