



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR MNSD FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession, a monetary order for unpaid rent or utilities, a monetary order to keep all or part of a pet deposit or security deposit and to recover the filing fee.

This matter was set for hearing by telephone conference call at 1:30 p.m. on this date. The line remained open until 1:41 p.m., while the phone system was monitored for eleven minutes and the only participant who called into the hearing during this time was the respondent.

Issue(s) to be Decided

- Is the landlord entitled to an order of possession?
- Is the landlord entitled to a monetary order for unpaid rent or utilities?
- Is the landlord entitled to a monetary order to keep all or part of a pet deposit or security deposit?
- Is the landlord entitled to recover the filing fee?

Analysis

Section 61 of the *Residential Tenancy Act* states that upon accepting an application for dispute resolution, the director must set the matter down for a hearing and that the Director must determine if the hearing is to be oral or in writing. In this case, the hearing was scheduled for an oral teleconference hearing.

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 Commencement of the hearing 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.

In the absence of the applicant landlord, the telephone line remained open while the phone system was monitored for eleven minutes and no one on behalf of the applicant landlord called into the hearing during this time. Based on the above, I find that the landlord has not presented the merits of their application and the application is hereby dismissed without leave to reapply.

Conclusion

The tenant attended the hearing as required and was ready to proceed. As the applicant did not attend the hearing by 1:41 p.m., **I hereby dismiss** the landlord's application, 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*.
I dismiss the claim without leave to reapply.

Dated: May 28, 2012.

Residential Tenancy Branch