



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

On May 7, 2012, I considered the landlord's application for an Order of Possession for unpaid rent by way of a direct request proceeding. As set out in my May 7, 2012 decision, I allowed the landlord's application to end the tenancy on the basis of a 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) issued on April 11, 2012. I granted the landlord's request for an Order of Possession which I provided to the landlord at that time. The May 7, 2012 decision and Order remain in effect.

I did not consider the landlord's application for a monetary Order in my May 7, 2012 decision as I was not satisfied that this portion of the landlord's original application could be considered without convening a participatory hearing. At the conclusion of my May 7, 2012 decision, I adjourned the landlord's direct request application for a monetary Order to be reconvened at a participatory hearing. In doing so, I gave the following direction:

...Notices of a participatory hearing date will be sent to the landlords by the Scheduler for the Residential Tenancy Branch. The landlord is responsible for serving the respondents within three days of receiving a hearing date from the Residential Tenancy Branch...

Notices of the participatory hearing were sent to the landlords on May 9, 2012. Neither party attended at the appointed time set for the hearing, although I waited until 3:14 p.m. to enable them to participate in this hearing scheduled for 3:00 p.m.

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 dispute resolution officer. The dispute resolution officer 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.

Accordingly, **in the absence of evidence or submissions I order the application dismissed with liberty to reapply.** I make no findings on the merits of the landlords' application for a monetary Order. Liberty to reapply is not an extension of any applicable limitation period.

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: May 31, 2012

Residential Tenancy Branch