



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

On May 15, 2012, a Dispute Resolution Officer (DRO) considered the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession for unpaid rent pursuant to section 55; and
- a monetary order for unpaid rent pursuant to section 67.

The DRO considered the landlord's application by way of a direct request proceeding. The DRO's decision of May 15, 2012 found that the landlord had failed to prove service of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) and ordered that the direct request proceeding be reconvened in accordance with section 74 of the *Act*.

The scheduler for the Residential Tenancy Branch scheduled this reconvened hearing for June 8, 2012 at 1:30 p.m. DRO included Notices of Reconvened Hearing with the May 15, 2012 decision, and advised the landlord that it was his responsibility to serve the respondent, the tenant, with the Notices of Reconvened Hearing and all other required documents within three days of receiving the DRO's May 15, 2012 decision.

Neither party attended at the appointed time set for the reconvened hearing, although I waited until 1:44 p.m. to enable them to participate in this teleconference hearing scheduled for 1:30 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 any evidence or submissions I order the application dismissed with liberty to reapply.** I make no findings on the merits of the matter. 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: June 08, 2012

Residential Tenancy Branch