



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

On June 27, 2012, I issued a decision with respect to the landlords' application under the *Residential Tenancy Act* (the *Act*) for the following:

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

I adjourned the landlords' direct request application from an ex parte hearing to be reconvened as a participatory hearing in accordance with section 74 of the *Act*. I did so as I found that a participatory hearing was required to determine the details of the landlords' application and whether service of the landlords' 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) had occurred. With my decision, I enclosed notices of the reconvened hearing and advised that the applicant was responsible for serving these documents and all other required documents to the tenant within three days of receiving my decision.

As the new hearing was to be conducted as a participatory hearing, I was also able to consider the landlords' original application to recover their filing fee from the tenant in accordance with section 72 of the *Act*.

Neither party attended at the appointed time set for the hearing, although I waited until 3:20 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 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: July 18, 2012

Residential Tenancy Branch