



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ET

Introduction

On June 20, 2012, Dispute Resolution Officer (DRO) A issued a decision regarding an application from the landlord pursuant to section 56 of the *Residential Tenancy Act* (the *Act*) for an early end to this tenancy and an Order of Possession. DRO A dismissed the landlord's application without leave to reapply because the landlord failed to attend the teleconference hearing.

On June 26, 2012, the landlord filed an application for review of the June 20, 2012 decision on the grounds that she was unable to attend the June 20, 2012 hearing because of circumstances that could not have been anticipated and were beyond her control.

DRO B considered the landlord's application in her review decision of July 18, 2012. In her decision, DRO B allowed the landlord's application for review, suspending the June 20, 2012 decision until a review hearing had been held. In DRO B's decision, she provided notices of the time and date of the hearing and advised the landlord that it was the landlord's responsibility to serve the tenants within three days of receipt of DRO B's decision.

I was assigned responsibility to conduct this review hearing scheduled for August 2, 2012 at 9:00 a.m. Neither party attended at the appointed time set for the hearing, although I waited until 9:19 a.m. to enable them to participate in this 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 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 the parties' attendance at this hearing and in accordance with section 82(3) of the Act, I vary the original June 20, 2012 decision by ordering that the application is 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: August 02, 2012

Residential Tenancy Branch