



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MND MNR MNSD FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord to obtain an Order of Possession for unpaid rent and a Monetary Order for damage to the unit, site or property, for unpaid rent or utilities, to keep all or part of the security and or pet deposit, and to recover the cost of the filing fee from the Tenants for this application.

No one was in attendance for either the Landlord or the Tenant.

Issue(s) to be Decided

1. Should this application be dismissed with or without leave to reapply?

Background and Evidence

There was no additional evidence or testimony provided as there was no one in attendance at the scheduled hearing.

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 and respondent Tenants, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the applicant Landlord or respondent Tenants called into the hearing during this time. Based on the aforementioned neither party has had opportunity to present their case; therefore, I dismiss this application with leave to reapply.

Conclusion

I HEREBY DISMISS the Landlord's application with leave to reapply.

This dismissal does not extend any applicable time limits set out under the *Act*.

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: October 26, 2012.

Residential Tenancy Branch