



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

MNR OPR MNSD FF

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution under the Residential Tenancy Act (the Act). No one for either party was in attendance.

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 and respondent, the telephone line remained open and the phone system monitored for ten minutes and no one on behalf of the applicant or respondent called into the hearing during this time. Based on the aforementioned I find that the landlord has not presented the merits of their application and the application **is hereby dismissed** with leave to reapply.

Conclusion

I HEREBY DISMISS the landlord's application, with leave to reapply. It must be noted that leave 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: January 02, 2013

Residential Tenancy Branch

