



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC OLC PSF AAT AS

Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant to obtain a Monetary Order for money owed or compensation for damage or loss under the Act, regulation, or tenancy agreement; and to obtain Orders to: have the Landlord comply with the Act, regulation, or tenancy agreement; have the Landlord provide services or facilities required by law; to allow the Tenant and his guests access to the rental unit; and allow the Tenant reduced rent for services or facilities agreed upon but not provided.

The respondent Landlord appeared at the teleconference hearing; however, no one appeared on behalf of the Tenant.

Issue(s) to be Decided

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

Background and Evidence

The Landlord submitted documentary evidence which included, among other things, copies of: a mutual agreement to end tenancy effective January 31, 2013. The Tenant did not submit documentary evidence.

The Landlord appeared and advised that the Tenant vacated the property as of December 26, 2012 after he was removed by police and advised not to return.

There was no additional evidence or testimony provided in support of the Tenant's claim as no one attended the hearing on behalf of the Tenant.

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.

In the absence of the applicant Tenants, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the applicant Tenants called into the hearing during this time.

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.

Accordingly, in the absence of any submissions from the applicant Tenant I order the application dismissed without liberty to reapply.

Conclusion

I HEREBY DISMISS the Tenant's application, without leave to reapply.

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: February 05, 2013

Residential Tenancy Branch

