



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

CNR, MT, OLC, RP, RR, and FF

Introduction

This hearing was scheduled in response to the Tenant's Application for Dispute Resolution, in which the Tenant applied to set aside a Notice to End Tenancy; for more time to apply to set aside a Notice to End Tenancy; for an Order requiring the Landlord to comply with the *Residential Tenancy Act (Act)* or the tenancy agreement; for an Order requiring the Landlord to repair the rental unit; for authorization to reduce the rent; and to recover the fee for filing this Application for Dispute Resolution.

Issue(s) to be Decided

Should a Notice to End Tenancy be set aside; should the Tenant be granted more time to apply to set aside the Notice to End Tenancy; is there a need for an Order requiring the Landlord to comply with the *Act* or the tenancy agreement; is there a need for an Order requiring the Landlord to repair the rental unit; is the Tenant entitled to reduce the rent; and is the Tenant entitled to recover the fee for filing this Application for Dispute Resolution?

Background and Evidence

The Tenant did not attend the hearing in support of his claim.

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 a teleconference hearing.

Rule 10.1 of the Rules of Procedure stipulates that 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.

The hearing was scheduled for 1:00 p.m. on this date. The Landlord attended the hearing at the scheduled start time. The teleconference was monitored until 1:14 p.m. however the Tenant did not attend during this time.

Conclusion

I find that the Tenant failed to diligently pursue the application and I therefore dismiss the application without leave to reapply.

The Landlord was given several opportunities to request an Order of Possession. The Landlord did not request an Order of Possession nor did he make any statement that would cause me to conclude that he was seeking an Order of Possession, although it was clear he wishes to collect the rent that is owing. An Order of Possession has, therefore, not been granted.

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: March 25, 2013

Residential Tenancy Branch

