



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPC, O

### Introduction

Pursuant to section 58 of the *Residential Tenancy Act*. (the *Act*), I was designated to hear this matter. This hearing dealt with the landlord's application for:

- an end to this tenancy and an Order of Possession for cause pursuant to section 55; and
- other unspecified remedies.

While the Respondent attended the hearing by way of conference call, the Applicant did not, although I waited until 9:45 a.m. in order to enable the Applicant to connect with this teleconference hearing scheduled for 9:30 a.m.

The Respondent gave sworn testimony that his first name is spelled as set out above rather than the version noted in the application for dispute resolution. In accordance with the powers delegated to me under the *Act*, I have revised the landlord's application to reflect the correct spelling of the tenant's (the Respondent's) first name. The tenant also testified that he was never served with the landlord's 1 Month Notice to End Tenancy for Cause, the subject matter of the landlord's application for dispute resolution. The tenant said that the first time he saw the 1 Month Notice was when the landlord included it in the dispute resolution hearing package provided to him by the landlord on or about June 10, 2013. The tenant also testified that he submitted written evidence, a copy of which was not before me at the time of this hearing.

Rule 10.1 of the Rules of Procedure provides as follows:

**10.1 Commencement of the dispute resolution proceeding** The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the dispute resolution proceeding 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's participation in this hearing, I order the application dismissed without liberty 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: July 10, 2013

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Residential Tenancy Branch

