



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR, MNR

### Introduction

On June 10, 2013, I conducted an *ex parte* hearing of the landlord's application for dispute resolution by way of the Residential Tenancy Branch's Direct Request Procedure pursuant to section 55(4) of the *Residential Tenancy Act* (the "*Act*"). The landlord had applied for:

- an Order of Possession based on a 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 55; and
- a monetary order for unpaid rent pursuant to section 67.

In my June 10, 2013 decision, I accepted the landlord's evidence that the tenant had failed to pay the rent identified as owing in the 10 Day Notice in full within the 5 days granted under section 46 (4) of the *Act*. I made a finding that the tenant was conclusively presumed under section 46(5) of the *Act* to have accepted that the tenancy ended on the corrected effective date of the 10 Day Notice, June 9, 2013. I issued the landlord a 2-day Order of Possession.

In my decision, I found that the landlord's evidence with respect to charges owing and payments made for rent and utilities was too unclear to address without the benefit of a participatory hearing. For that reason, I adjourned the landlord's application for a monetary award to be reconvened as a participatory hearing. I attached Notices of Hearing in my decision to the landlord and advised her that she was responsible for serving the Notice of Hearing to the tenant.

Neither party attended at the appointed time set for the hearing, although I waited until 11:10 a.m. to enable them to participate in this hearing scheduled for 11:00 a.m.

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 anyone attending this hearing and in accordance with section 82(3) of the *Act*, I dismiss the landlord's application for a monetary award for unpaid rent with leave to reapply. Liberty to reapply is not an extension of any applicable limitation period.

The original decision and Order issued on June 10, 2013 remains in effect with respect to the landlord's application for an end to the tenancy and an Order of Possession .

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 11, 2013

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Residential Tenancy Branch

