



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC & FF

Introduction

A hearing was conducted by conference call in the presence of the respondent and in the absence of a representative on behalf of the applicant. The applicant failed to attend the hearing at the scheduled start time. I waited 10 minutes past the scheduled starting time and recalled the hearing. The applicant still did not appear. As a result I proceed with the hearing in the absence of the applicant. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an Order for Possession?
- b. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The tenancy began on March 2011. The rent was originally set at \$717 per month although the landlord has increased it.

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.

The landlord failed to attend the hearing. The tenant was present with a witness. **In the absence of any evidence or submissions from the landlord I order the application dismissed without liberty to re-apply.** The landlord's application for an Order for Possession was based on a Notice to End Tenancy dated April 30, 2013. As this application has been dismissed the landlord that notice is no longer valid and the landlord cannot rely on the Notice to End Tenancy dated April 30, 2013 in any future application.

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

Residential Tenancy Branch