



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding DORSET REALTY LTD. and 0510951 B.C. LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR OLC FF

Introduction

This hearing dealt with an Application for Dispute Resolution filed on December 10, 2013, by the Tenant seeking to cancel a Notice to end tenancy for unpaid rent, obtain an Order to have the Landlord comply with the Act, regulation, or tenancy agreement, and to recover the cost of the filing fee from the Landlord for this application.

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

Issue(s) to be Decided

- 1) Should the Tenant's application be dismissed with or without leave to reapply?
- 2) Did the Landlords appear and request an Order of Possession?

Background and Evidence

The Landlord testified that, to their knowledge, the Tenant is still residing in the rental unit. They stated that the Tenant has not paid the outstanding rent and they are requesting an Order of Possession for as soon as possible.

No additional evidence was provided in support of the Tenant's application as no one appeared at the teleconference 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.

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.

In the absence of the applicant Tenant, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the applicant Tenant called into the hearing during this time. Accordingly, in the absence of any submissions from the applicant Tenant, I order the application dismissed without liberty to reapply.

Section 55 of the Act provides that an Order of Possession **must** be provided to a Landlord if a Tenant's request to dispute a Notice to End Tenancy is dismissed and the Landlord makes an oral request for an Order of Possession during the scheduled hearing. Therefore, I grant the Landlords' request for an Order of Possession.

Conclusion

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

The Landlords have been granted an Order of Possession effective **two days after service on the Tenant**. This Order is legally binding and must be served upon the Tenant.

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: January 31, 2014

Residential Tenancy Branch

