



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR OLC

Introduction

This hearing dealt with an Application for Dispute Resolution filed on December 9, 2013, by the Tenants to cancel a notice to end tenancy and order the Landlord to comply with the Act.

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

Issue(s) to be Decided

Should this application be dismissed with or without leave to reapply?

Background and Evidence

The Landlord's Agent testified that the Tenants vacated the unit by January 10, 2014.

There was no additional evidence or testimony provided in support of the Tenant's claim as no one attended 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. In this case, the hearing was scheduled for an oral teleconference hearing.

While the Respondent Landlord attended the hearing by way of conference call, the Applicant did not.

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 Tenants, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the applicant Tenants called into the hearing during this time.

Accordingly, in the absence of any evidence or submissions from the applicant I order the application dismissed without liberty to reapply.

Conclusion

I HEREBY DISMISS the Tenant's application, without leave 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: January 31, 2014

Residential Tenancy Branch

