



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes O

Introduction

This hearing dealt with an Application for Dispute Resolution filed on June 30, 2014, by the Tenant for reasons “contesting eviction”.

The applicant Tenant did not appear at the scheduled teleconference hearing; however, the respondent Landlord and his Agent appeared.

Issues(s) to be Decided

Should the Tenant’s application be dismissed with or without leave to reapply?

Background and Evidence

There was no additional testimony submitted to prove the merits of the Tenant’s claim; as the Tenant did not appear at the scheduled teleconference hearing.

The Landlord’s Agent provided a service address for the Landlord and stated that the Tenant had previously moved out.

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.

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 Tenant called into the hearing during this time. Based on the aforementioned the Tenant has not presented the merits of his position and the application is hereby dismissed, without leave 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: August 27, 2014

Residential Tenancy Branch

