



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPREIT PARTNERSHIP LIMITED
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC MNDC FF

Introduction

This hearing dealt with an Application for Dispute Resolution filed on August 22, 2014, by the Landlord to obtain an Order of Possession for Cause and a Monetary Order for money owed or compensation for damage or loss under the Act, regulation, or tenancy agreement, and to recover the cost of the filing fee from the Tenant. The Landlord indicated in the details of the dispute that they were seeking to recover a \$500.00 move in bonus plus a \$150.00 referral bonus.

The respondent Tenant appeared at the teleconference hearing however no one appeared on behalf of the applicant Landlord despite this hearing being convened to hear the matters pertaining to the Landlord's application.

Issue(s) to be Decided

1. Should the Landlord's application be dismissed with or without leave to reapply?

Background and Evidence

There was no additional evidence or testimony provided in support of the Landlord's claim as no one attended the hearing on behalf of the Landlord.

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

Conclusion

I HEREBY DISMISS the Landlord'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: October 21, 2014

Residential Tenancy Branch

