



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes            OPR, MNR

### Introduction

This hearing was originally dealt with by way of a Direct Request Proceeding (a non-participatory hearing) in response to the Landlord's Application for Direct Request (the "Application"). The Application was made for an Order of Possession and a Monetary Order. On October 30, 2014 an Interim Decision was made which explained that the Landlord's Application could not be progressed through a non-participatory hearing because the written tenancy agreement provided was incomplete. However, it was determined that the required information and discrepancies could be determined from both parties in a hearing. As a result, the Direct Request Proceedings were adjourned to this participatory hearing. Both parties were sent the Notice of Hearing letters detailing the date and time of this hearing. However, the line remained open while the phone system was monitored for ten minutes and no participant called into the hearing during the scheduled date and time.

### Analysis & Conclusion

Rule 10.1 of the Dispute Resolution Proceedings Rules of Procedure states that 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. As neither party called into the conference call by 11:10 am, I find that the Landlord has not presented the merits of this Application which is hereby **dismissed with leave to reapply**. However, this does not extend any applicable time limits under the *Residential Tenancy Act* and I have made no findings of fact or law with respect to the merits of this 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: December 11, 2014

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Residential Tenancy Branch

