



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR MNR

### Introduction

This teleconference hearing was convened after an Interim Decision was issued November 17, 2014 in response to the Landlord's application that was filed through the Direct Request Process for an Order of Possession for unpaid rent and a Monetary Order for unpaid rent.

No one was in attendance at the scheduled teleconference hearing.

### Issue(s) to be Decided

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

### Background and Evidence

There was no additional evidence or testimony provided as there was no one in attendance at the scheduled hearing.

### 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 Landlords and respondent Tenant, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of either party called into the hearing during this time. Based on the aforementioned the Landlord has not presented the merits of their application and the application is hereby dismissed without leave to reapply.

Conclusion

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

The 10 Day Notice to end tenancy issued October 17, 2014 is hereby cancelled and is of no force or effect.

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 19, 2014

---

Residential Tenancy Branch

