



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR OPC MNR MNSD MNDC FF

Introduction

This hearing dealt with an Application for Dispute Resolution filed by the Landlords on December 21, 2014, to obtain an Orders of Possession for unpaid rent and Cause and a Monetary Order for: unpaid rent or utilities; to keep all or part of the security deposit; 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 Tenants for this application.

The hearing was conducted by teleconference and was attended by the Tenant. No one was in attendance on behalf of the Landlords despite this hearing being convened to hear matters pertaining to the Landlords' application.

Issue(s) to be Decided

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

Background and Evidence

There was no oral evidence submitted to support the merits of this application as was no one in attendance at the scheduled hearing on behalf of the applicant Landlords.

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

Accordingly, in the absence of any oral submissions from the applicant Landlords, I find the Landlords provided insufficient evidence to prove the merits of their application and I order their application dismissed without liberty to reapply.

Conclusion

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

The 10 Day Notice issued December 3, 2014 is HEREBY CANCELLED and is of no force or effect.

The 1 Month Notice issued November 27, 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: January 14, 2015

Residential Tenancy Branch

