



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC MNR FF

### Introduction

This hearing dealt with an Application for Dispute Resolution filed by the Landlord on December 11, 2014, to obtain an Order of Possession for cause and a Monetary Order for: unpaid rent or utilities and to recover the cost of the filing fee from the Tenants for this application.

### Issue(s) to be Decided

- 1) Was the person who attended this hearing authorized to act as agent for the applicant Landlord?

### Background and Evidence

At the outset of this teleconference hearing O.L. attended and stated that he was in attendance to represent the Landlord, as she was his "Auntie". O.L. was not able to state the Landlord's name, as listed on the application he later said that the property was in his Auntie's Husband's name. O.L. was not able to provide his Auntie's husband's name and therefore, did not know the name of the Landlord.

The documentary evidence submitted on file was an agreement between the Landlord and the Tenants to reschedule the 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 absence of any documentary evidence to prove O.L was authorized to act as the Landlord's agent, given O.L.'s lack of knowledge about who the Landlord is; and in absence of any documentary evidence to prove the merits of this claim; I dismissed the application, with leave to reapply.

Conclusion

I HEREBY DISMISS The Landlord's application, with 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: February 02, 2015

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Residential Tenancy Branch

