



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MND MNR MNSD FF
 CNR OLC

Introduction

This hearing dealt with cross Applications for Dispute Resolution filed by both the Landlord and the Tenant.

The Landlord filed their application on May 6, 2015 seeking to obtain an Order of Possession for unpaid rent or utilities and a Monetary Order for: damage to the unit, site or property; for unpaid rent or Utilities; to keep all or part of the security and or pet deposit; and to recover the cost of the filing fee from the Tenant for this application.

The Tenant filed their application on May 4, 2015 seeking to cancel a Notice to end tenancy issued for unpaid rent or utilities and an Order to have the Landlord comply with the Act, regulation, or tenancy agreement.

Both applications were scheduled to be heard at the same teleconference hearing. No one was in attendance for either the Landlord or the Tenant.

Issue(s) to be Decided

- 1) Should the Landlord's application be dismissed with or without leave to reapply?
- 2) Should the Tenant'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 Landlord and in absence of the 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 I find that each party provided insufficient evidence to support the merits of their applications. Therefore, both the Landlord's and the Tenant's application are hereby dismissed without leave to reapply.

Conclusion

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

I HEREBY DISMISS the Tenant'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: June 16, 2015

Residential Tenancy Branch

