



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding SALISH COURT APARTMENT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OLC RP

Introduction

This hearing dealt with an Application for Dispute Resolution filed by the Tenant on May 22, 2015 seeking to obtain an Order to have the Landlord comply with the Act, regulation, or tenancy agreement and Order the Landlord to make repairs to the unit, site or property.

The hearing was conducted via teleconference and was attended by the Landlord. No one was in attendance for the Tenant, despite this hearing being scheduled to hear matters pertaining to the Tenant's application.

Issue(s) to be Decided

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

Background and Evidence

There was no additional evidence or testimony provided in support of the Tenant's application; as the Tenant was not in attendance at the scheduled hearing.

The Landlord submitted the issue has been resolved.

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 Tenant, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the Tenant called into the hearing during this time. Based on the aforementioned I find the Tenant has failed to present the merits of their application. Therefore, I dismissed the application, without leave to reapply.

Conclusion

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: July 09, 2015

Residential Tenancy Branch

