



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR MNR

### Introduction

This hearing dealt with an Application for Dispute Resolution filed by the Landlord on July 15, 2015. The Application was originally reviewed through the Direct Request Process and on July 22, 2015 an Interim Decision was issued advising that the matter was being sent to a participatory hearing. Notices of hearing documents were sent to the applicant Landlord to serve upon the respondent Tenants.

No one was in attendance at the scheduled participatory teleconference hearing.

### 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 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 Tenants, 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 the Landlord provided insufficient evidence to support the merits of their application. Therefore, the Landlord's application is hereby dismissed without leave to reapply.

### Conclusion

The Landlord did not appear and his application was dismissed, 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: August 25, 2015

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Residential Tenancy Branch

