



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR MNSD FF

Introduction

This hearing dealt with the landlords' Application for Dispute Resolution under the *Residential Tenancy Act* (the "Act") for an order of possession for unpaid rent or utilities, for a monetary order for unpaid rent or utilities, to retain all or part of the tenant's security deposit and pet damage deposit, and to recover the cost of the filing fee.

Preliminary and Procedural Matter

The landlords did not attend the hearing; however, the tenant and a person, B.A. did attend the teleconference hearing. B.A. stated that he was a property manager friend and agent of the landlords attending the teleconference hearing on the landlords' behalf. B.A. claims to have faxed in an authorization from the landlords indicating that he was authorized to speak on their behalf at the hearing. A file review resulted in no such document being located on the original file during the hearing.

The tenant testified that she was on her way to work and requested an adjournment. The tenant also stated that she had filed for dispute resolution, the file number of which has been included on the front page of this decision for ease of reference. The file number provided by the tenant was searched on the information system during the hearing and was confirmed as "abandoned". The tenant also stated that she did not know the person representing the landlords, B.A.

In a review of the original file contents, and taking into the account that the tenant was not prepared to proceed this date, and taking into account the principles of natural justice, I find the most fair approach to the situation before me is to dismiss the landlords' application **with leave to reapply**. I note that my decision does extend any applicable timelines under the *Act*. Should the landlords or the tenant choose to apply under the *Act*, they are at liberty to do so.

Analysis and Conclusion

The landlords' application is dismissed with leave to reapply due to insufficient evidence before me that B.A. is an agent for the landlords with standing. This decision does not extend any applicable time limits under the *Act*.

This decision is final and binding on the parties, unless otherwise provided under the *Act*, and 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: October 2, 2015

Residential Tenancy Branch

