



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR MNR

### Introduction

This matter originally convened on September 24, 2015 as an Ex Parte Proceeding (Direct Request Proceeding) to determine the matters pertaining to an Application for Dispute Resolution by Direct Request filed by the Landlords on September 17, 2015.

During the Ex Parte Proceeding the matter was adjourned to a participatory hearing and an Interim Decision was issued September 24, 2015. The matter was reconvened on November 26, 2015 at 3:00 p.m. by teleconference. No one attended the teleconference hearing on behalf of the Landlord or the Tenant.

### 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 absence of the applicant Landlords and respondent 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 the Landlords have failed to present the merits of their application and it is dismissed, without leave to reapply.

### Conclusion

The Landlords' 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: November 27, 2015

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Residential Tenancy Branch

