



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPL MNSD MNDC FF  
CNL

### Introduction

This hearing was convened to hear matters pertaining to cross Applications for Dispute Resolution filed by the Landlords and one Tenant.

The Landlords filed on October 16, 2015 seeking to obtain an Order of Possession for Landlord's use and a Monetary Order to keep the security deposit; for money or compensation owed; and to recover the cost of the filing fee.

The Tenant, W.R., filed his application on October 15, 2015. The Tenant sought an Order to cancel a 2 Month Notice to end tenancy for landlord's use.

No one was in attendance for either the Landlords 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 the absence of the Landlords and the Tenant(s), 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 the parties have not had an opportunity to present the merits of their position; therefore, the application is hereby dismissed with leave to reapply.

### Conclusion

No one was in attendance at the hearing and both the Landlords' and the Tenant's applications were dismissed, with leave to reapply. These dismissals do not extend any applicable time limits set out under the Act.

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: December 30, 2015

---

Residential Tenancy Branch

