



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding COMMUNITY BUILDERS FOUNDATION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OLC OPT LAT

Introduction

This hearing was convened to hear matters pertaining to an Application for Dispute Resolution filed by the Tenant on November 23, 2015. The Tenant filed seeking the following: to order the Landlord to comply with the *Act*, Regulation, and/or tenancy agreement; to obtain an Order of Possession for the Tenant; and authorize the Tenant to change the locks to the rental unit.

The hearing was conducted via teleconference and was attended by the Landlord and the Tenant's Agent. The Tenant did not appear at the scheduled teleconference despite this hearing being scheduled to hear matters pertaining to his application for Dispute Resolution.

Issue(s) to be Decided

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

Background and Evidence

The Advocate appeared and stated that she was not authorized to act as the Tenant's agent in his absence. She submitted that the Tenant had the evidence with him so she was not able to submit evidence on his behalf.

The Landlord stated that the Tenant had been relocated to a different housing facility.

There was no additional evidence or testimony provided in support of the Tenant's application as the Tenant did not attend the 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.

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 applicant Tenant called into the hearing during this time.

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 submissions from the applicant Tenant I find the Tenant failed to prove the merits of his application. Accordingly, I order the application dismissed without liberty 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: January 11, 2016

Residential Tenancy Branch

