



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes:

MNDC, MNR, FF

### Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied for a monetary Order for money owed or compensation for damage or loss; for a monetary Order for unpaid rent; and to recover the fee for filing this Application for Dispute Resolution.

At the hearing on November 03, 2015 the Landlord stated that he personally served the male Tenant with the Application for Dispute Resolution, the Notice of Hearing, and a copy of the tenancy agreement when they met in Supreme Court of British Columbia sometime in June of 2015. In the absence of evidence to the contrary, I find that these documents have been served to the male Tenant in accordance with section 89 of the *Residential Tenancy Act (Act)*; however the male Tenant did not appear at the hearing.

On June 04, 2015 the Landlord submitted 2 pages of evidence to the Residential Tenancy Branch. At the hearing on November 03, 2015 the Landlord stated that these documents were also personally served to the male Tenant sometime in June, although he cannot recall the date of service. In the absence of evidence to the contrary, I find that these documents have been served to the male Tenant and they were accepted as evidence for these proceedings.

At the hearing on November 03, 2015 the Landlord stated that he has not served any of the aforementioned documents to the female Tenant. As the documents have not been served to the female Tenant the Landlord asked that the Application for Dispute Resolution be amended to remove the name of the female Tenant. The Application for Dispute Resolution has been amended accordingly.

For reasons outlined in my interim decision of November 03, 2015, the hearing on November 03, 2015 was adjourned. The hearing was reconvened on January 12, 2016.

Issue(s) to be Decided

Is the Landlord entitled to compensation for unpaid rent and for bailiff costs?

Background and Evidence

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 a teleconference hearing.

Rule 10.1 of the Rules of Procedure stipulates that 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.

The reconvened hearing was scheduled to commence at 10:30 a.m. on January 12, 2016. I dialed into the teleconference at 10:30 a.m. and monitored the teleconference until 10:41 a.m. Neither the Applicant nor the Respondent dialed into the teleconference during this time.

Analysis

I find that the Application for Dispute Resolution has been abandoned.

Conclusion

I dismiss the Application with leave to reapply, as I have not made any findings of fact or law with respect to the application.

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 13, 2016

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Residential Tenancy Branch

