



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPL, FF

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("the *Act*") for an Order of Possession for Landlord's Use pursuant to section 55 and authorization to recover the filing fee for this application from the tenant pursuant to section 72. Pursuant to section 58 of the *Act*, I was designated to hear this matter. While the Tenant and his witness attended the hearing by way of conference call, the Applicant/Landlord did not, although I waited until 9:45 a.m. in order to enable the Applicant to connect with this teleconference hearing scheduled for 9:30 a.m.

Rule 10.1 of the Rules of Procedure provides as follows:

The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the dispute resolution proceeding in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

This application by the landlord for an order of possession was originally made in November, 2015. The tenant submitted evidence prior to this hearing. The tenant attended this hearing and arranged to have a witness present. Given that the tenant made efforts to address this dispute resolution matter and that the tenant has been faced with this application and the potential outcome for some time, I do not find that it is appropriate that the landlord be provided with an opportunity to reapply. Therefore, **in the absence of the applicant's participation in this hearing, I order the landlord's application dismissed in its entirety without liberty 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 22, 2016

Residential Tenancy Branch

