



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Willow Beach Developments Ltd. and Desert Aire Realty
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

OPC, MNR, FF

Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested an Order of possession, a monetary Order for unpaid rent and to recover the filing fee costs.

This matter was set for hearing at 10:30 a.m. on this date. The applicant and respondent failed to attend the hearing by 10:41 a.m.

Residential Tenancy Branch Rules of Procedure, section 10.1, provides:

10.1 Commencement of the dispute resolution proceeding

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.

In the absence of an appearance by either party by 10:41 a.m., this application is abandoned and dismissed with leave to reapply within the legislated time-limit.

I note that one of the parties' submitted evidence that this matter may be before the Supreme Court. The parties may wish to reference section 51(2) of the Act, which provides:

(2) Except as provided in subsection (4), if the director accepts an application under subsection (1), the director must resolve the dispute under this Part unless

- (a) the claim is for more than the monetary limit for claims under the Small Claims Act,*
- (b) the application was not made within the applicable period specified under this Act, or*

(c) the dispute is linked substantially to a matter that is before the Supreme Court.

(Emphasis added)

This decision is final and binding and is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 55(1) of the *Manufactured Home Park Tenancy Act*.

Dated: January 18, 2016

Residential Tenancy Branch

