



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR ET

Introduction

This hearing was convened to hear matters pertaining to an Application for Dispute Resolution filed by the Landlord on August 17, 2016. The Landlord filed seeking an Order of Possession for unpaid rent and an early end of tenancy and an Order of Possession.

No one was in attendance at the scheduled teleconference hearing for either the Landlord 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 applicant Landlord and respondent Tenant, 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.

Section 62 (2) of the *Act* stipulates that the director may make any finding of fact or law that is necessary or incidental to making a decision or an order under this *Act*.

I find the Landlord's application to be abandoned, pursuant to section 62(2) of the *Act*. This does not extend any applicable time limits set out under the *Act*. As no findings of fact or law have been determined regarding the merits of the application, the Landlord has leave to reapply if he wishes to pursue the application.

Conclusion

No one was in attendance at the scheduled teleconference hearing and the Landlord's application was found to be abandoned.

This decision is final, legally binding, and 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: October 04, 2016

Residential Tenancy Branch

