



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNSD, MNDC, MNR, FF

### Introduction

This hearing convened as a result of a Landlord's Application for Dispute Resolution wherein the Landlord sought the following relief:

1. an Order of Possession pursuant to sections 46 and 55 of the *Residential Tenancy Act*;
2. a Monetary Order pursuant to sections 67 and 72 for:
  - a. unpaid rent (for the months September 2016, October 2016 and November 2016);
  - b. money owed or compensation for damage or loss under the *Residential Tenancy Act*, the *Residential Tenancy Regulation*, or the tenancy agreement; and,
  - c. recovery of the filing fee; and
3. authority to retain the security deposit pursuant to section 38 of the *Residential Tenancy Act*.

This matter was set for hearing by telephone conference call at 10:30 a.m. on this date. The line remained open while the phone system was monitored until 10:40 a.m. and the only participant who called into the hearing during this time was the Respondent, Tenant, G.E. She stated that the other Tenant, K.G., is her 26 year old son, who has moved out of the rental unit.

### Analysis and Conclusion

Rule 7.1 of the Residential Tenancy Branch Rules of Procedure provides as follows:

**Commencement of Hearing:**

The hearing must commence at the scheduled time unless otherwise decided by the arbitrator.

Rule 7.3 provides as follows:

**Consequences of not attending the hearing**

If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply.

As the Applicant Landlord did not attend the hearing by 10:40 a.m., and the Respondent Tenant appeared and was ready to proceed, **I dismiss the Landlord's claim without leave to reapply.**

This decision is final and binding on the parties, except as otherwise provided under the Act, 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: November 14, 2016

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Residential Tenancy Branch