



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPB, FF

Introduction and Conclusion

This hearing convened as a result of a Landlord's Application for Dispute Resolution wherein the Landlord sought an Order of Possession based on the expiration of a fixed term tenancy agreement. The Landlord also sought recovery of the filing fee.

This matter was set for hearing by telephone conference call at 9:00 a.m. on this date. The line remained open while the phone system was monitored for twelve minutes and the only participant who called into the hearing during this time was the Respondent Tenant and his son in law.

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 9:10, 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 21, 2016

Residential Tenancy Branch