



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR

Introduction

On October 28, 2016, Adjudicator Hayes of the Residential Tenancy Branch conducted an *ex parte* hearing of the landlord's application for dispute resolution by way of the Residential Tenancy Branch's Direct Request Procedure pursuant to section 55(4) of the *Residential Tenancy Act* (the "Act").

The landlord had applied for an Order of Possession based on a 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 55. In his decision, he adjourned the landlord's application to a participatory hearing scheduled for November 22, 2016. He attached Notices of Hearing in his Interim Decision to the landlord and advised that they were responsible for serving the Notice of Hearing to the tenant.

Neither party attended at the appointed time set for the hearing, although I waited until 9:15 a.m. to enable them to participate in this hearing scheduled for 9:00 a.m.

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.

Accordingly, in the absence of anyone attending this hearing and in accordance with section 82(3) of the *Act*, I dismiss the landlord's application for an Order of Possession. Liberty to reapply is not an extension of any applicable limitation period. 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: November 23, 2016

Residential Tenancy Branch