



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, RP, ERP, FF, O

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution wherein the Tenant sought an Order cancelling a 1 Month Notice to End Tenancy for Cause issued on October 30, 2016, an Order that the Landlord make repairs, emergency and otherwise, to the rental unit, a request to recover the filing fee and other unspecified relief.

The Applicant Tenant did not appear at the hearing. Conversely, the Landlord and his translator, appeared at the hearing.

The hearing was by telephone conference call and was to begin at 9:00 a.m. on December 13, 2016. The line remained open while the phone system was monitored until 9:10 a.m. and the only participant who called into the hearing during this time was the Landlord.

Analysis and Conclusion

Rules 7.1 and 7.3 of the *Residential Tenancy Branch Rules of Procedure* provide as follows:

Commencement of Hearing:

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

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 Tenants did not attend the hearing by 9:10 a.m., and the Respondent

Landlord appeared and was ready to proceed, I dismiss the Tenants' claim without leave to reapply.

Pursuant to section 55(1) of the *Residential Tenancy Act*, I **grant the Landlord an Order of Possession**. The Landlord must serve the Order on the Tenants and may file and enforce the Order in the B.C. Supreme Court.

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: December 13, 2016

Residential Tenancy Branch