



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding DEVON PROPERTIES LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNR MND MNDC MNSD FF

### Introduction

This hearing was convened to hear matters pertaining to an Application for Dispute Resolution filed by the Landlord on June 14, 2016. The Landlord filed seeking a Monetary Order for: unpaid rent or utilities; damage to the unit site or property; money owed or compensation for damage or loss under the *Act*, regulation, or tenancy agreement; to keep all or part of the security and/or pet deposit; and to recover the cost of the filing fee.

No one was in attendance at the scheduled teleconference hearing for either the Landlord or the Tenant.

### Issue(s) to be Decided

- 1) Has this application been abandoned?

### Background and Evidence

There was no additional evidence or testimony provided as there was no one in attendance at the scheduled hearing.

### Analysis

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*. After careful consideration of the foregoing and on a balance of probabilities I find pursuant to section 62(2) of the *Act* as follows:

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.

Based on the aforementioned I find the Landlord's application to be abandoned. As no findings of fact or law have been determined regarding the merits of this application the Landlord has leave to reapply if they wish to pursue the application at a later date. The leave to reapply does not extend any applicable time limits set out under the *Act*.

### 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: December 19, 2016

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Residential Tenancy Branch