



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding REALITY EXECUTIVES c/o REZEEN REALTY INC
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes ERP OLC PSF RP

Introduction

This hearing dealt with an Application for Dispute Resolution filed by the Tenant on November 27, 2016.

The hearing was conducted via teleconference and was attended by the Landlord. No one was in attendance on behalf of the Tenant.

The Landlord stated she was agent for the new property management company. I heard the Landlord state that their company took over management of this rental unit effective December 18, 2016; at which time they were given the documents to attend this hearing on behalf of the owners. As such the style of cause was amended to indicated the respondent was in care of the new property management company, pursuant to section 64(3)(c) of the Act.

Issue(s) to be Decided

Should this application be dismissed with or without leave to reapply?

Background and Evidence

There was no additional evidence or testimony provided in support of the Tenant's claim as no one attended on behalf of the Tenant.

Analysis

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.

In the absence of the applicant Tenant, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the applicant Tenant called into the hearing during this time.

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 any submissions from the applicant Tenant I find the Tenant failed to prove the merits of their application. Accordingly, I order the application dismissed without liberty to reapply.

Conclusion

No one attended the scheduled hearing on behalf of the applicant Tenant and his application was dismissed, without leave to reapply.

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: January 10, 2017

Residential Tenancy Branch