



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding AMBER PROPERTIES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR ERP FF MNDC MT MNDC ERP FF CNR MT RR O

Introduction

This hearing was convened to hear matters pertaining to an Application for Dispute Resolution filed by the Tenant on December 26, 2016. The Tenant filed seeking numerous orders which included an Order to cancel a 10 Day Notice to end tenancy for unpaid rent and to recover the cost of the filing fee.

No one was in attendance at the scheduled teleconference hearing for either the Landlords 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 Tenant and respondent Landlords 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 Tenant's application to be abandoned. As no findings of fact or law have been determined regarding the merits of this application the Tenant has leave to reapply if they wish to pursue the application at a later date. That 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 Tenant'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: January 26, 2017

Residential Tenancy Branch