



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR MNSD FF

Introduction

This hearing dealt with the landlords' application pursuant to the *Residential Tenancy Act* (the Act) for:

- an Order of Possession for unpaid rent and/or utilities pursuant to section 55;
- authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 38;
- a monetary order for monetary loss pursuant to section 67; and
- authorization to recover their filing fee for this application from the tenant pursuant to section 72.

While the Respondent attended the hearing by way of conference call, the Applicant did not, although I waited until 1:45 p.m. in order to enable the Applicant to connect with this teleconference hearing scheduled for 1:30 p.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.

The tenant testified that she had vacated the rental unit on November 23, 2016. As the tenant has vacated the residence, and in the absence of the landlords' participation in this hearing, I dismiss the landlords' application. 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: January 12, 2017

Residential Tenancy Branch