



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPL, FF

Pursuant to section 58 of the Residential Tenancy Act (the “Act”), I was designated to hear an application regarding the above-noted tenancy. The landlord applied for:

- an Order of Possession for landlord’s use pursuant to section 55; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

This matter was set for hearing by telephone conference call at 1:30 pm on January 17, 2017. The line remained open while the phone system was monitored for fifteen minutes and no participant 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.

Accordingly, as neither the applicant nor the respondent attended the hearing by 1:45pm and **in the absence of any evidence or submissions I order the application dismissed with leave to reapply.** I make no findings on the merits of the matter. The issuance of this decision does not extend any applicable deadlines under the Act.

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 18, 2017

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Residential Tenancy Branch