



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes OLC

### Introduction

The Application for Dispute Resolution filed by the Tenants seeks an order that the landlord comply with the Act, regulation or tenancy agreement.

The tenants failed to appear at the scheduled time for the hearing. The landlord was present and ready to proceed. The telephone line conference line remained open and the phone system was monitored for ten minutes. The tenants failed to appear. I then proceeded with the hearing.

The issue is whether the one year fixed term tenancy agreement which required the tenants to vacate at the end of fixed term was valid or whether the landlord had converted it to a month to month tenancy. The landlord had applied for an Order of Possession that was set down for hearing on January 19, 2017. The landlord failed to appear at that hearing and the arbitrator rendered the following decision.

"This matter was set for hearing by telephone conference call at 9:30 am. on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the respondent. Therefore, as the applicant did not attend the hearing by 9:40 am, and the respondent appeared and was ready to proceed, I dismiss the claim without leave to reapply."

The landlord testified he failed to appear because he was confused and thought this hearing date took precedent over the earlier scheduled date. As the tenants failed to appear I ordered that their application be dismissed without leave to re-apply. However, the parties are cautioned that the decision of the January 19, 2017 remains binding on the parties unless it is overturned by review or by an order of a justice of the Supreme Court of British Columbia.

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: February 02, 2017

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Residential Tenancy Branch