



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Community Builders Foundation
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

OLC, LRE, OPT, AAT

Introduction:

This hearing was convened in response to an Application for Dispute Resolution filed by the Tenant in which the Tenant applied for an Order requiring the Landlord to comply with the *Residential Tenancy Act (Act)* or the tenancy agreement; an Order of Possession for the rental unit; an Order requiring the Landlord to provide access to the rental unit; and an Order suspending or setting conditions on the Landlord's right to enter the rental unit.

This matter was the subject of a hearing on April 12, 2017. The Residential Tenancy Branch Arbitrator conducting that hearing adjourned the matter to provide the parties the opportunity to exchange evidence.

The Residential Tenancy Branch Arbitrator conducting that hearing is unable to proceed with this matter and I have, therefore, been directed to consider the merits of the Application for Dispute Resolution. As the previous Arbitrator did not consider any of the merits of the Application, I am free to do so.

The Agent for the Landlord stated that she believes the Tenant's Application for Dispute Resolution was delivered to the Landlord's business office.

On March 22, 2017 the Landlord submitted 11 pages of evidence to the Residential Tenancy Branch. The Agent for the Landlord stated that this evidence was initially served to the Tenant, via registered mail. She stated that during the previous hearing the Tenant told the Arbitrator he had been unable to pick up this mail.

The Agent for the Landlord stated that on March 18, 2017 the Landlord's evidence was sent to the Tenant's legal counsel, via registered mail, as she was instructed to do by the Arbitrator at the previous hearing. She cited a Canada Post tracking number that corroborates this testimony. I accept that the Landlord's evidence has been served to the Tenant on two occasions.

Issue(s) to be Decided:

Is the Tenant entitled to an Order of Possession?

Is there a need to issue an Order requiring the Landlord to provide access to the rental unit?

Is there a need to issue an Order suspending or setting conditions on the Landlord's right to enter the rental unit.

Background and Evidence:

The Landlord stated that on May 01, 2017 she received notice that the Tenant's legal counsel was no longer representing him.

The hearing was scheduled to begin at 09:00 a.m. on May 31, 2017. I dialed into the teleconference at 9:02 and determined that the Agent for the Landlord had dialed into the teleconference. By the time the teleconference was terminated at 9:17 a.m. the Tenant had not appeared.

Analysis:

I find that the Tenant failed to diligently pursue his Application for Dispute Resolution and I therefore dismiss the Application, without leave to reapply.

Conclusion:

The Application for Dispute Resolution is dismissed, without leave to reapply.

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: June 02, 2017

Residential Tenancy Branch