



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNDC MNR FF

Introduction

This hearing dealt with the landlord's application pursuant to the Residential Tenancy Act ("the Act") for: an Order of Possession for Unpaid Rent pursuant to section 55; a monetary order for unpaid rent, damage or loss pursuant to section 67; and authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend the hearing although the teleconference line remained open until 9:40 am. The landlord's wife attended and indicated that she would proceed with the application.

Preliminary Matter: Sufficient Detail to support Residential Tenancy Application

The landlord's wife stated that the landlord was "not home right now". The landlord's wife was unable to answer basic questions about the tenancy including whether the tenants vacated the residence and whether a written tenancy agreement was submitted as evidence at this hearing. The documents submitted by the landlord did not provide evidence of a written tenancy agreement. The landlord's wife was also unable to provide information about service of documents for this hearing or any of the material dates with respect to the tenancy agreement or the tenancy. These facts are required to make a determination regarding the Application before me.

The landlord's asked if I could call her back at 3:30 pm.

A hearing is a formal, legal process and parties should take reasonable steps to ensure that they will be in attendance at the hearing. Rule No. 7.3 in the Residential Tenancy Branch Rules of Procedure provides that, "If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply".

In this case, the landlord had several options available to him if he could not attend this hearing including seeking an adjournment or sending an agent with knowledge of the residential tenancy at issue. However, the landlord failed to attend the hearing and failed to provide useful information to the Residential Tenancy Branch about the status of his application.

I was not able to understand some of the landlord's wife's answers because she was not clear on the details. As well, there was at least one child who was very noisy in the background. I provided approximately 10 minutes to the landlord's wife to determine what she should do. However, ultimately, she was unable to provide me with the information that I required. Therefore, I advised her that the landlord's application was dismissed.

Conclusion

The landlord's application is dismissed with leave to reapply. All timelines related to the landlord's application will continue to apply.

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 06, 2017

Residential Tenancy Branch