



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding DOUBLE D INN
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This matter was set for hearing by telephone conference call at 9:00 a.m., in response to a Landlords' Application for Dispute Resolution (the "Application") for an Order of Possession, a Monetary Order, and to recover the filing fee. The telephone line remained open while the phone system was monitored for 18 minutes.

During this time only the Tenants named on the Application dialed into the hearing and there was no appearance by the applicant Landlord. The male Tenant named on the Application explained that his last name was incorrect as it appeared on the Application. In the absence of the Landlord, I amended the Tenant's name which appears on the front page of this Decision in the style of cause to reflect the correct spelling pursuant to my authority under Section 64(3) (c) of the *Residential Tenancy Act*.

The Tenants explained that they were not served with any notice to end tenancy for unpaid rent and that they are not in any rental arrears.

Analysis & Conclusion

Rule 7.3 of the Residential Tenancy Branch Rules of Procedure states 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.

As the applicant Landlord failed to appear for this hearing and prove service of the notice to end tenancy for unpaid rent which was the subject of this hearing, I find that I was unable to determine the validity of that notice. In addition, the Tenant provided undisputed testimony that there were no rental arrears in this tenancy.

Based on the foregoing, I am only able to conclude that the Landlords' Application is to be dismissed without leave to re-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 01, 2017

Residential Tenancy Branch