



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

Introduction

This hearing originally convened as a result of cross applications. In the Application for Dispute Resolution filed by the Landlord he indicated he sought an Order of Possession and a Monetary Order based on a 10 Day Notice to End Tenancy issued March 29, 2017.

The Tenants also applied for dispute resolution seeking an Order canceling the Notice and for more time to dispute the Notice pursuant to section 66 of the *Residential Tenancy Act*, although they failed to attend the hearing. Accordingly, the Tenants' application was dismissed without leave to reapply.

At the hearing on May 11, 2017 the Landlord confirmed the Tenants had vacated the rental unit, on or before April 30, 2017, such that an Order of Possession was no longer required.

The hearing was adjourned from May 11, 2017 as the Landlord failed to serve his Application for Dispute Resolution and Notice of Hearing on the Tenants.

The hearing reconvened on August 8, 2017. The line remained open while the phone system was monitored for ten minutes and no participant called into the hearing during this time.

Analysis and Conclusion

Rule 7 of the Rules of Procedure provides that:

7.1 Commencement of the dispute resolution hearing

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

7.2 Delay in the start of a hearing

In the event of a delay of a start of a conference call hearing, each party must stay available on the line to commence the hearing for 30 minutes after the time scheduled for the start of the hearing.

In the event of a delay of a face-to-face hearing, unless otherwise advised, the parties must remain available to commence the hearing at the hearing location for 30 minutes after the time scheduled for the start of the hearing.

7.3 Consequences of not attending the hearing

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.

7.4 Evidence must be presented

Evidence must be presented by the party who submitted it, or by the party's agent.

If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

As neither party called into the hearing by 9:10 a.m., I dismiss the Landlord's claim with leave to reapply. I note this does not extend any applicable time limits under the Act.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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: August 8, 2017

Residential Tenancy Branch