



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPB

Introduction

A hearing was convened on June 06, 2017 in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied for an Order of Possession. The Landlord attended that hearing but the Tenant did not. On June 09, 2017 the Arbitrator considering the Application for Dispute Resolution granted the Landlord an Order of Possession.

The Tenant filed an Application for Review Consideration on June 29, 2017. The Arbitrator considering that application granted the review and ordered that a new hearing be convened.

This hearing was convened to consider the merits of the Landlord's Application for Dispute Resolution.

Issue(s) to be Decided

Should the decision to grant the Landlord an Order of Possession be upheld or overturned?

Background and Evidence

Section 61 of the *Residential Tenancy Act (Act)* states that upon accepting an application for dispute resolution, the director must set the matter down for a hearing and that the director must determine if the hearing is to be oral or in writing. In this case, the hearing was scheduled for a teleconference hearing.

Rule 10.1 of the Rules of Procedure stipulates that the hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

This hearing was scheduled to commence at 9:00 a.m. on October 19, 2017. I dialed into the teleconference at 9:00 a.m. and monitored the teleconference until 9:11 a.m. Neither the Applicant nor the Respondent dialed into the teleconference during this time.

Analysis

As the Tenant did not attend the hearing, I find that she did not diligently pursue the Application for Review Consideration. I therefore dismiss the Application for Review Consideration pursuant to section 81(1)(c) of the *Act*.

Conclusion

As the Application for Review Consideration has been dismissed, the decision and Order of Possession dated June 09, 2017 remain in full force and effect.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Act*.

Dated: October 21, 2017

Residential Tenancy Branch