



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR

Introduction

This hearing convened as a result of a Landlord's Application for Dispute Resolution, filed January 13, 2018, wherein the Applicant sought an Order of Possession based on a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities. The Applicant originally applied by way of Direct Request Proceeding, however as the Respondent had applied to cancel the Notice, the Application was adjourned to a participatory hearing before me.

The participatory hearing was scheduled for teleconference at 10:30 a.m. on March 13, 2018. The line was monitored for 11 minutes and neither party called into the hearing.

A review of branch records confirms that the Arbitrator hearing the Respondent's Application on January 23, 2018 declined jurisdiction to hear the matter finding that the rental unit was a storage unit, not a residential unit. The Respondent applied for Review Consideration of that Decision; by decision dated February 7, 2018, the request for review consideration was dismissed. The file number for the Respondent's Application is recorded on the unpublished cover page of this my Decision.

Analysis and Conclusion

Rules 7.1 and 7.3 of the *Residential Tenancy Branch Rules of Procedure* provide as follows:

Commencement of Hearing:

The hearing must commence at the scheduled time unless otherwise decided by the arbitrator.

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.

As neither party called into the hearing, and two previous Arbitrators have declined jurisdiction to consider the issues between the parties, **I dismiss the Application 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: March 13, 2018

Residential Tenancy Branch