



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPRM-DR, FFL

### Introduction

This teleconference hearing was scheduled in response to an application by the Landlord under the *Residential Tenancy Act* (the “Act”) for an Order of Possession based on a 10 Day Notice to End Tenancy for Unpaid Rent (the “10 Day Notice”), for a Monetary Order for unpaid rent, and for the recovery of the filing fee paid for this application. The Application was originally filed under the Direct Request process, but was scheduled for a participatory hearing as the 10 Day Notice and the tenancy agreement were not submitted as required by the Direct Request process.

The Tenant called into the teleconference hearing, while no one attended for the Landlord during the approximately 14 minutes that the phone line remained open.

### Preliminary Matter

At the outset of the hearing, the Tenant clarified her name, which is different than how it was indicated on the Landlord’s Application for Dispute Resolution. The spelling of the Tenant’s first name was corrected, and her last name was amended to the name she stated as her legal last name. This amendment was made pursuant to Section 64(3)(c) of the *Act*.

### Issues to be Decided

Is the Landlord entitled to monetary compensation for unpaid rent?

Is the Landlord entitled to an Order of Possession based on a 10 Day Notice to End Tenancy for Unpaid Rent?

Should the Landlord be awarded the recovery of the filing fee paid for the Application for Dispute Resolution?

### Background and Evidence

During the hearing the Tenant stated that she has moved out of the rental unit. As the Landlord was not present at the hearing, and it was their Application for Dispute Resolution, no further background information was taken.

### Analysis

Rule 7.3 of the *Residential Tenancy Branch Rules of Procedure* states that if a party does not attend the hearing, the hearing may continue, or the Application may be dismissed.

The Landlord did not attend the hearing based on their Application, and I also find no evidence that they contacted the Residential Tenancy Branch to cancel the hearing or withdraw their Application. I also accept the testimony of the Tenant that this tenancy has ended. Therefore, I dismiss the Landlord's Application, without leave to reapply.

### Conclusion

The Application for Dispute Resolution is dismissed, 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: October 12, 2018

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Residential Tenancy Branch