



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPM, FFL
 OLC, FFT

This hearing dealt with an Application for Dispute Resolution (the “Application”) that was filed by the Landlord under the *Residential Tenancy Act* (the “Act”), seeking an Order of Possession based on a mutual agreement to end tenancy, and recovery of the filing fee.

This hearing also dealt with a Cross-Application filed by the Tenant under the *Act* seeking an order for the Landlord to comply with the *Act*, regulation, or tenancy agreement, and recovery of the filing fee.

This matter was set for hearing by telephone conference call at 11:00 A.M. (Pacific Time) on October 18, 2018. The Notice of Dispute Resolution Proceeding states the date and time of the hearing, that the hearing will be conducted by telephone conference call, and provides the phone number and access code for the hearing. It also instructs participants that they are to call into the hearing themselves no more than five minutes before the start of the hearing. I confirmed that the details shown in the Notice of Dispute Resolution Proceeding for both files was correct and although the line remained open while the phone system was monitored for 11 minutes, no participant called into the hearing during this time.

Rule 7.1 of the Residential Tenancy Branch Rules of Procedure (the “Rules of Procedure”) states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. As I attended the hearing on time and ready to proceed and there was no evidence before me that the parties had agreed to reschedule or adjourn the matter, I commenced the hearing as scheduled at 11:00 A.M. on October 18, 2018. Rule 7.3 of the Rules of Procedure states that 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 reapply. Further to this, rule 8.1 of the Rules of Procedure states that the arbitrator determines when the hearing has ended.

Based on the above, and as the Applicants did not attend the hearing by 11:11 A.M., I therefore dismiss the claims of both parties with leave to reapply. This is not an extension of any statutory deadline.

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 19, 2018

Residential Tenancy Branch