



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 43 HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNRL-S, FFL

Introduction

This is an Application for Dispute Resolution (the “Application”) brought by the Landlord requesting an Order of Possession for Unpaid Rent, as well as a monetary order for payment of rent and to retain the security deposit. The Landlord also requests an order for payment of the filing fee.

Neither party attended at the appointed time set for the hearing, although I waited 10 minutes to enable them to participate in this hearing scheduled 11 a.m. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that I was the only person who had called into this teleconference.

Issues to be Decided

Is the Landlord entitled to an Order of Possession for Unpaid Rent, pursuant to section 55 of the Residential Tenancy Act (“Act”)?

Is the Landlord entitled to a monetary order for payment of rent arrears, pursuant to section 67 of the Act?

Is the Landlord entitled to an order to retain the security deposit in partial satisfaction of the monetary order, pursuant to section 38 of the Act?

Is the Landlord entitled to payment of the filing fee, pursuant to section 72 of the Act?

Analysis and Conclusion

Rule 7.3 of the Residential Tenancy Branch Rules of Procedure states if a party or their agent fails to attend a 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 conference call by 11:10 a.m., I find the Landlord has not presented the merits of this Application which is hereby **dismissed with leave to reapply**. However, this does not extend any applicable time limits under the *Residential Tenancy Act* and I have made no findings of fact or law with respect to the merits of this Application.

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: September 19, 2018

Residential Tenancy Branch