



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNRL, MNDCL, FFL

Introduction and Analysis

This hearing dealt with an Application for Dispute Resolution (“application”) by the landlord seeking remedy under the *Residential Tenancy Act* (“Act”) an order of possession based on unpaid rent or utilities, for a monetary order in the amount of \$6,300.00 comprised of \$5,400.00 for unpaid rent or utilities, \$900.00 for a fence being removed and a dog house installed based on money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, and to recover the cost of the filing fee.

The landlord was provided with a copy of the Notice of a Dispute Resolution Hearing dated February 5, 2019. The landlord; however, did not attend the teleconference hearing set for this date, Tuesday, February 26, 2019 at 1:30 p.m. Pacific Time. The phone line remained open for 10 minutes and was monitored throughout this time. The only persons to call into the hearing were the tenants who indicated that they were ready to proceed. I have confirmed that file records support that the landlord did not make any attempt to cancel the hearing in advance.

Following the ten minute waiting period, the application of the landlord was **dismissed without leave to reapply** as the landlord failed to attend the hearing to present the merits of their application or at the very least cancel their scheduled hearing in advance of the hearing. The tenants did attend the hearing and were ready to proceed.

I do not grant the landlord the recovery of the cost of the filing fee as result of the above.

The tenancy shall continue until ended in accordance with the *Act*.

Conclusion

The landlord's application is dismissed without leave to reapply.

This decision does not extend any applicable time limits under the *Act*.

The filing fee is not granted.

The tenancy shall continue until ended in accordance with the *Act*.

This decision will be emailed to both parties at the email address for the landlord contained in the landlord's application and to the corrected email address for the tenants confirmed during the hearing.

This decision is final and binding on the parties, except as otherwise provided under the *Act*, and 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: February 26, 2019

Residential Tenancy Branch