



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNRL-S, 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 \$2,800.00 for April and May 2019 unpaid rent or utilities, to retain the tenants’ security deposit and/or pet damage deposit, 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 June 5, 2019. The landlord; however, did not attend the teleconference hearing set for this date, Tuesday, July 16, 2019 at 11:00 a.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 KC and CL (“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.

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.

This decision will be emailed to both parties at the email address for the landlord contained in the landlord's application and to the 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: July 16, 2019

Residential Tenancy Branch