



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding THUAN PHUOC HOLLING LTD. and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes FFL, MNRL-S, OPR

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Landlord on August 09, 2019 (the "Application"). The Landlord sought an Order of Possession based on a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, to recover unpaid rent, to keep the security and/or pet damage deposit and reimbursement for the filing fee.

The Agents for the Landlord attended the hearing. Nobody attended the hearing for the Tenant.

An issue arose at the outset of the hearing in relation to whether the *Residential Tenancy Act* (the "Act") applies to this matter. M.O. suggested that the *Act* might not apply. M.O. did not point to any section of the *Act* that precluded jurisdiction of the RTB. I proceeded with the hearing.

As I was going through preliminary matters, the Agents for the Landlord exited the conference call around 11:13 a.m. I asked if there was anyone there for the Landlord and nobody answered. I confirmed from the teleconference system that I was the only person still in the teleconference. I hung up and called back into the conference. Nobody for the Landlord was in the conference. I again confirmed from the teleconference system that I was the only person still in the teleconference. I waited until 11:30 a.m. to enable the Agents for the Landlord to call back into the conference; however, nobody called back into the conference for the Landlord. There was still nobody in the conference for the Tenant.

I exited the conference around 11:30 a.m.

RTB records show that the Landlord had not contacted the RTB about being disconnected from the teleconference or any issues with connecting to the teleconference as of the end of day October 7, 2019.

Rule 7.3 of the Rules of Procedure states:

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 re-apply.

Parties are expected to call into the hearing at the time set for the hearing and remain on the line until the hearing is concluded. Here, the Agents for the Landlord exited the conference call while I was addressing preliminary matters without warning or explanation. The Agents for the Landlord did not call back into the hearing for approximately 15 minutes. The Agents for the Landlord did not present evidence on the substantive issues raised in the Application as they exited the conference during the preliminary matters. In the circumstances, the Application is dismissed without leave to re-apply.

Conclusion

The Application is dismissed without leave to re-apply.

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 07, 2019

Residential Tenancy Branch