



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL, OPC, FFL

Introduction

This teleconference hearing was scheduled in response to an application by the Landlord under the *Residential Tenancy Act* (the “Act”) for compensation for unpaid rent, for an Order of Possession based on a One Month Notice to End Tenancy for Cause (the “One Month Notice”), and for the recovery of the filing fee paid for the Application for Dispute Resolution.

The Tenant was present for the hearing while no one called in for the Landlord during the 10 minutes that the phone line was monitored. The Tenant was affirmed to be truthful in her testimony and confirmed receipt of the Notice of Dispute Resolution Proceeding package and a copy of the Landlord’s evidence. The Tenant did not submit any evidence prior to the hearing.

Issues to be Decided

Is the Landlord entitled to monetary compensation for unpaid rent?

Is the Landlord entitled to an Order of Possession based on a One Month Notice to End Tenancy for Cause?

Should the Landlord be awarded the recovery of the filing fee paid for the Application for Dispute Resolution?

Background and Evidence

The phone line was kept open for 10 minutes to provide time for the Landlord to call into the hearing. However, the Landlord did not attend the hearing to present testimony or evidence regarding the claims on the Application for Dispute Resolution and therefore the hearing did not continue.

Analysis

As stated by rule 7.3 of the *Residential Tenancy Branch Rules of Procedure*, if a party does not attend the hearing, the hearing may continue, or the application may be dismissed. As the hearing was scheduled based on the claims of the Landlord, the hearing did not continue in their absence. Therefore, the application is dismissed, and no findings were made regarding the Landlord's claims. As the Tenant attended the hearing ready to proceed as scheduled, the Landlord's application is dismissed without leave to reapply.

Conclusion

Due to the absence of the Landlord, the Application for Dispute Resolution is dismissed without leave to reapply.

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: December 02, 2019

Residential Tenancy Branch