



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFL OPL

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("Act") for:

- an Order of possession pursuant to section 55 of the *Act* and;
- a return of the Filing Fee pursuant to section 72 of the *Act*.

Only the respondent tenant attended the hearing by way of conference call although I waited until 9:40 A.M. in order to enable the applicant landlord to connect with this teleconference hearing scheduled for 9:30 A.M.

Analysis

Rule 7.1 of the Rules of Procedure provides as follows:

7.1 Commencement of the dispute resolution proceeding - The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the dispute resolution proceeding in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

The tenant made no submissions but explained that she vacated the rental unit on January 31, 2020. I find the landlord's failure to attend the hearing has led to their application being dismissed without leave to reapply.

The landlord must bear the cost of their own filing fee.

Conclusion

In the absence of the applicant's participation in this hearing, I dismiss the landlord's application without liberty to reapply. The landlord must bear the cost of their own filing fee.

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: February 07, 2020

Residential Tenancy Branch