



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC, FFL

### Introduction

This hearing was convened by way of conference call. The Landlord filed an Application for Dispute Resolution on March 15, 2020 (the “Application”). The Landlord applied for an Order of Possession based on a One Month Notice to End Tenancy for Cause dated January 27, 2020 (the “Notice”). The Landlord also sought reimbursement for the filing fee.

The Tenant appeared at the hearing. The Landlord did not appear at the hearing. I waited until 11:10 a.m. to enable the Landlord to participate in this hearing scheduled for 11:00 a.m. I confirmed from the teleconference system that the Tenant and I were the only people who had called into this teleconference.

The Tenant advised that she did not receive a hearing package or evidence from the Landlord and that she found out about this hearing through an email reminder from the RTB. The Tenant advised that she did receive a document from the Landlord which she thought related to a prior hearing between the parties.

Rules 7.3 and 7.4 of the Rules of Procedure (the “Rules”) state:

### **7.3 Consequences of not attending the hearing**

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.

### **7.4 Evidence must be presented**

Evidence must be presented by the party who submitted it, or by the party’s agent.

If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

The Landlord did not attend the hearing to present evidence or provide a basis for the Application. The Tenant did attend the hearing and was prepared to address the issues raised. In these circumstances, the Application is dismissed without leave to re-apply.

I also note that the Tenant submitted a prior RTB decision issued April 07, 2020 on File Number 1 in which the Notice was cancelled. The Landlord would not have been entitled to an Order of Possession based on the Notice given it had been cancelled in a prior RTB decision.

### 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 *Act*.

Dated: May 12, 2020

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Residential Tenancy Branch