



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPRM-DR, OPR-DR, FFL

Introduction

The landlord filed an Application for Dispute Resolution by Direct Request (the “Application”) on September 13, 2020 seeking an order of possession for the rental unit, a monetary order to recover the money for unpaid rent, and to recover the filing fee for the Application.

This matter reconvened after my November 10, 2020 Interim Decision. I determined that this Application was joined to another matter in error, and needed to ensure the tenant was advised in proper fashion of the participatory hearing. I set another hearing in this matter to hear direct evidence from the landlord about their service to the tenant, to discover if they notified the tenant in proper fashion.

The reconvened matter proceeded on February 11, 2021, pursuant to section 74(2) of the *Residential Tenancy Act* (the “Act”). Neither the landlord nor the tenant attended the hearing, although I left the teleconference hearing connection open until 11:10 a.m. to enable the parties to call in to this teleconference hearing scheduled for 11:00 a.m.

I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed throughout the duration of the call that neither party was in attendance.

Rule 7.3 of the Rules of Procedure provides that if a party or their agent fails to attend the hearing, the arbitrator may conduct the hearing in the absence of that party or dismiss the application without leave to reapply.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent pursuant to sections 46 and 55 of the *Act*?

Is the landlord entitled to monetary compensation for unpaid rent pursuant to section 67 of the *Act*?

Is the landlord entitled to recover the filing fee for this application pursuant to section 72 of the *Act*?

Conclusion

As the landlord did not attend to pursue this Application, I dismiss their Application for an Order of Possession and an order for recovery of unpaid rent. The landlord has leave to reapply. While I have provided leave to re-apply, it does not extend any applicable time limits under the *Act* and I have made no legal findings on the merits of the dispute.

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: February 16, 2021

Residential Tenancy Branch