



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR-PP, MNRL, FFL, CNR-MT, FFT

### Introduction

This hearing dealt with applications from both the landlord and the tenants under the *Residential Tenancy Act* (the *Act*). The landlord applied for:

- an order of possession for unpaid rent pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67;
- authorization to recover her filing fee for this application from the tenant pursuant to section 72.

The tenant applied for:

- more time to make an application to cancel the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 66;
- cancellation of the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) pursuant to section 46;

The landlord and her agent attended the hearing at 8 minutes past the start of the scheduled hearing time. The landlord stated that she had been having issues connecting into the conference call hearing. As such, the hearing was paused to allow additional time in case the tenant was also having issues. At 11:12am the hearing resumed in the absence of the tenant.

The landlord was advised that the conference call hearing was scheduled for 60 minutes and pursuant to the Rules of Procedure, Rule 6.11 Recordings Prohibited that recording of this call is prohibited.

The landlord stated that the tenant had filed an application before the Supreme Court of British Columbia seeking a Judicial Review of another Residential Tenancy Branch Decision.

The landlord with the assistance of her agent stated that a mutual agreement to end tenancy was reached with the tenant and that she is in the process of moving out. The landlord stated that as a result the landlord's application for dispute can be withdrawn as it was no longer required. On this basis, no further action is required for the landlord's application.

At 30 minutes past the start of the scheduled hearing the tenant's application for dispute was addressed. The landlord confirmed that she was served with both the tenant's notice of hearing package and the submitted 12 documentary evidence files.

This matter was set for a conference call hearing at 11:00 a.m. on this date. The tenant did not attend. The landlord attended the hearing via conference call and provided undisputed affirmed testimony. The landlord confirmed that she was served with the tenant's application for dispute and that they were aware of the listed issue(s). I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that I was the only person who had called into this teleconference besides the landlord.

I waited until 30 minutes past the start of the scheduled hearing time in order to enable both parties to connect with this teleconference hearing.

Rule 7 of the Rules of Procedure provides that:

**7.1 Commencement of the dispute resolution hearing**

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

**7.2 Delay in the start of a hearing**

In the event of a delay of a start of a conference call hearing, each party must stay available on the line to commence the hearing for 30 minutes after the time scheduled for the start of the hearing.

In the event of a delay of a face-to-face hearing, unless otherwise advised, the parties must remain available to commence the hearing at the hearing location for 30 minutes after the time scheduled for the start of the hearing.

**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.

Accordingly, in the absence of any evidence or submissions from the tenant and in the absence of the tenant's participation in this hearing, I order the application dismissed without leave to reapply. I make no findings on the merits of the matter.

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: May 28, 2021

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Residential Tenancy Branch