



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPT

### Introduction, Preliminary Matter and Analysis

This hearing dealt with an Application for Dispute Resolution (application) by the tenant seeking remedy under the *Residential Tenancy Act* (Act) for an order of possession for the tenant.

The tenant was provided with a copy of the Notice of a Dispute Resolution Proceeding document dated May 21, 2021 (Notice of Hearing). The tenant; however, did not attend the teleconference hearing set for this date, Monday, September 20, 2021 at 11:00 a.m. Pacific Standard Time. The phone line remained open for 11 minutes and was monitored throughout this time. The only persons to call into the hearing were the landlords, AK and PK (landlords). I have confirmed that file records support that the tenant did not make any attempt to cancel the hearing prior to the hearing.

The landlords were informed at the start of the hearing that recording of the dispute resolution is prohibited under the Residential Tenancy Branch (RTB) Rules of Procedure (Rules) Rule 6.11. The landlords were also informed that if any recording devices were being used, they were directed to immediately cease the recording of the hearing. In addition, the landlords were informed that if any recording was surreptitiously made and used for any purpose, they will be referred to the RTB Compliance Enforcement Unit for the purpose of an investigation under the Act. The landlords had no questions about my direction pursuant to RTB Rule 6.11.

In addition, the landlords confirmed their email address at the outset of the hearing and stated that they understood that the decision would be emailed to them.

Following the ten-minute waiting period, the application of the tenant was **dismissed without leave to reapply** as the tenant failed to attend the hearing to present the merits

of their application or at the very least cancel their scheduled hearing in advance of the hearing. This is pursuant to Rule 7.1 and 7.3 of the RTB Rules. The landlords did attend the hearing and were prepared to proceed.

### Conclusion

The tenant's application is dismissed without leave to reapply.

This decision does not extend any applicable time limits under the Act.

As the filing fee was waived it is not granted.

This decision will be emailed to both parties at the email addresses provided by the tenant and confirmed by the landlords as accurate during the hearing.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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: September 20, 2021

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Residential Tenancy Branch