



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding MICHAELUD MANOR and [tenant name  
suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPM, FFL

### Introduction

This hearing convened as a result of a Landlord's Application for Dispute Resolution, filed on June 20, 2021, wherein the Landlord sought an Order of Possession based on a mutual agreement to end tenancy as well as recovery of the filing fee.

This matter was set for hearing by telephone conference call at 11:00 a.m. on this date. The line remained open until 11:12 a.m. and the only participant who called into the hearing during this time was the Tenant's Advocate. 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 the Advocate and I were the only ones who had called into this teleconference.

The Tenant's Advocate confirmed the Tenant vacated the rental unit during the final days of August. The Advocate further stated he was informed the Landlord intended to cancel the hearing and only called in to be sure the Tenant's interests were protected.

### Analysis and Conclusion

Hearings before the Residential Tenancy Branch are conducted in accordance with the *Residential Tenancy Branch Rules of Procedure*. Rules 7.1, 7.3 and 7.4 address the requirement of a party to call into the teleconference hearing and read as follows:

#### **7.1 Commencement of Hearing**

The hearing must commence at the scheduled time unless otherwise decided by the arbitrator.

### **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.

As the Applicant, the Landlord bears the burden of proving their claim on a balance of probabilities. In the absence of any evidence or submissions from the Landlord and in the absence of the Landlord's participation in this hearing, I dismiss the Landlord's claim without leave to reapply. I make no findings on the merits of this matter.

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: October 20, 2021

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Residential Tenancy Branch