



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **OPC, FFL**

Introduction

The hearing was convened as a result of the Landlord's application for dispute resolution ("Application") under the *Residential Tenancy Act* (the "Act") for:

- an Order of Possession pursuant to section 47; and
- authorization to recover the filing fee from the Tenant pursuant to section 72.

The Landlord did not attend this hearing. I left the teleconference hearing connection open until 9:46 am in order to enable the Landlord to call into this teleconference hearing scheduled for 9:30 am. The Tenant and his advocate ("CH") attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding. I also confirmed from the teleconference system that the Tenant, CH and I were the only ones who had called into this teleconference.

Preliminary Matter – Effect of Non-Attended by Landlord

Rules 7.1, 7.3 and 7.4 of the *Residential Tenancy Branch Rules of Procedure* ("Rules") state:

7.1 Commencement of the dispute resolution hearing

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

7.3 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 the 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.

Given the Landlord did not attend the hearing within 10 minutes of its commencement, pursuant to Rule 7.3, the Application is dismissed without leave to reapply.

Conclusion

The Application is dismissed without leave to reapply.

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 31, 2022

Residential Tenancy Branch