



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 1081685 BC Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPT

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution ("Application") under the *Residential Tenancy Act* ("Act"), for an order of possession of the rental unit for the Tenant.

Two agents for the Landlord, T.M. and D.M. ("Agents"), appeared at the teleconference hearing; however, no one attended on behalf of the Tenant, the Applicant. The Tenant was provided with a copy of the Notice of a Dispute Resolution Hearing on April 27, 2022; however, the Tenant did not attend the teleconference hearing scheduled for June 9, 2022, at 9:30 a.m. (Pacific Time).

The teleconference phone line remained open for over ten minutes and was monitored throughout this time. The only persons to call into the hearing were the Agents, who indicated that they were ready to proceed. I confirmed that the teleconference codes provided to the Parties were correct and that the only persons on the call, besides me, were the Agents.

Rule 7.1 of the Residential Tenancy Branch Rules of Procedure ("Rules") states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. The Respondent Landlord's Agents and I attended the hearing on time and were ready to proceed. There was no evidence before me that the Parties had agreed to reschedule or adjourn the matter; accordingly, I commenced the hearing at 9:30 a.m. on June 9, 2022, as scheduled.

Rule 7.3 states that 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 reapply. The teleconference line remained open for over ten minutes, however, neither the Applicant nor an agent acting on his behalf

attended to provide any evidence or testimony for my consideration. As a result, and pursuant to Rule 7.3, I **dismiss the Tenant's Application without leave to reapply**.

At the outset of the hearing, I asked the Agents to confirm the Landlord's name in this matter, as the Landlords identified on the Application were different than that in the tenancy agreement. The Agents advised me of the company that is the Landlord, so I amended the Respondent's name in the Application, pursuant to section 64 (3) (c) and Rule 4.2.

Conclusion

The Tenant's Application is dismissed without leave to reapply, as the Tenant or an Agent for the Tenant did not attend the hearing to present the merits of the Application. The Respondent Landlord did attend the hearing.

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

This Decision will be emailed to the Parties at the addresses provided by the Tenant in the Application, and confirmed by the Agents in 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: June 09, 2022

Residential Tenancy Branch