



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding BROWN BROS.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPT

### Introduction, Preliminary and Procedural Matters-

This telephone conference call hearing was convened as the result of the tenant's application for dispute resolution seeking remedy under the Residential Tenancy Act (Act) for an order of possession of the rental unit.

The hearing began at 9:30 am. Pacific Time on Thursday, October 20, 2022, as scheduled and the telephone system remained open and was monitored for 11 minutes.

During this time, the tenant did not call into the hearing; however, the landlord's agent was present and ready to proceed with the hearing.

I continued the hearing for 11 minutes, in order to allow the tenant to call into the hearing. During this time, the landlord confirmed that they had received an order of possession of the rental unit on August 23, 2022 and the writ of possession had been served to the tenant by a bailiff. I find this order of possession ended the tenancy and therefore, I find the matter is now moot.

Rules 7.3 and 7.4 of the Rules of Procedure provides as follows:

#### **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 at the hearing and because the matter is now moot, **I order the application 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*. Pursuant to section 77(3) of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: October 20, 2022

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Residential Tenancy Branch