



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ET, FFL

### Introduction

On January 6, 2023, the Landlord made an Application for Dispute Resolution seeking an Order of Possession based on an early end of tenancy pursuant to Section 56 of the *Residential Tenancy Act* (the “*Act*”) and seeking to recover the filing fee pursuant to Section 72 of the *Act*.

On January 9, 2023, this Application was set down for a Dispute Resolution Proceeding on January 23, 2022, at 11:00 AM.

Tenants K.M. and S.W. attended the hearing; however, the Landlord did not attend at any point during the 11-minute teleconference. K.M. informed of the correct name of the co-tenant, and this was corroborated by the information on the tenancy agreement. As such, the Style of Cause on the first page of this Decision was corrected to reflect this change. As well, K.M. confirmed that they only received one Notice of Hearing package, and that it was posted on their door on January 9, 2023.

Rule 7.1 of the Rules of Procedure stipulates that the hearing must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the hearing in the absence of a party and may make a Decision or dismiss the Application, with or without leave to re-apply.

I dialed into the teleconference at 11:00 AM and monitored the teleconference until 11:11 AM. Only the Tenants dialed into the teleconference during this time. 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 I was the only other person who had called into this teleconference.

As the burden of proof is on the Applicant to make submissions to justify the reasons for the Application, and as the Landlord did not attend the hearing, this Application is dismissed without leave to reapply.

As the Landlord was not successful in this Application, I find that the Landlord is not entitled to recover the \$100.00 filing fee.

### Conclusion

Based on the above, the Landlord's 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: January 23, 2023

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Residential Tenancy Branch