



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

A matter regarding ATIRA WOMEN'S RESOURCE  
SOCIETY and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPT

This hearing dealt with an Application for Dispute Resolution (Application) that was filed by the Tenant under the *Residential Tenancy Act* (the Act), on June 1, 2023, seeking:

- An order of possession for the rental unit.

The hearing was convened by telephone conference call at 9:30 am on June 12, 2023, and was attended by three agents for the Landlord (Agents). The Tenant did not attend. All testimony provided was affirmed. The Agents were provided the opportunity to present their evidence orally and in written and documentary form, to call witnesses, and to make submissions at the hearing.

The Agents were advised that interruptions and inappropriate behavior would not be permitted and could result in limitations on participation, such as being muted, or exclusion from the proceedings. The Agents were asked to refrain from speaking over me and to hold their questions and responses until it was their opportunity to speak. The Agents were also advised that recordings of the proceedings are prohibited, and confirmed that they were not recording the proceedings.

The Residential Tenancy Branch Rules of Procedure (Rules of Procedure) state that the respondent must be served with a copy of the Application, the Notice of Hearing, and any documentary evidence intended to be relied upon at the hearing by the applicant. The Agents acknowledged service of the Notice of Dispute Resolution Proceeding (NODRP), which includes a copy of the Application and the Notice of Hearing. I confirmed that the hearing details shown in the NODRP were correct and I note that the Agents had no difficulty attending the hearing on time using this information. I also note that the NODRP was emailed to the Tenant on June 2, 2023. Reminder emails were also sent to both the Tenant and the Landlord on June 9, 2023. Rule 7.1 of the Rules of Procedure states that the dispute resolution hearing will commence at the scheduled

time unless otherwise set by the arbitrator. Based on the above, the hearing proceeded as scheduled despite the absence of the Tenant or an agent acting on their behalf.

Rule 7.3 of the Rules of Procedure 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. Although the teleconference remained open from 9:30 am – 9:44 am, neither the Tenant nor an agent acting on their behalf attended the teleconference. I therefore dismiss the Tenants' Application in its entirety, without leave to reapply. Despite dismissal of the Tenant's Application, the Agents stated that the Tenant remains in possession of two units, their original unit which is currently subject to a do not occupy order from the fire department, and a temporary unit provided to them for occupancy due to the above noted order from the fire department.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: June 12, 2023

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Residential Tenancy Branch