



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## Decision

**Dispute Codes:** OPR, MNR, FF

### Introduction

This was a re-hearing to deal with an Application for Dispute Resolution by the landlord for an Order of Possession based on the Notice to End Tenancy for Unpaid Rent dated July 2, 2011 and a monetary order for rent owed. A decision dated July 28, 2011 had granted the landlord an order of possession and a monetary order. However, the tenant filed a request for review consideration and in a decision dated, August 5, 2011, was granted a rehearing.

This application was set to be heard by conference call. The notice of hearing sent to each party required them to join in the conference call at the time of the hearing by calling in to the number provided and entering the participant code identified. This conference call was set for 1:30 p.m.

The Applicant landlord did not appear and only the Respondent tenant called in. The Respondent tenant stated that the likely reason that the landlord did not attend this hearing on the landlord's own application is because the landlord had since changed the locks and taken possession of the unit without first obtaining a legal order of possession. The tenant stated that they wanted to get an order the return of their property and monetary compensation for the illegal eviction by the landlord.

I informed the tenant that their claim could not be heard and that if they wished to pursue compensation, they must make their own application for dispute resolution.

The teleconference line was held open for 10 minutes, but the Applicant landlord failed to appear and the hearing ended at 1:40 p.m. without any relevant testimony being given. Based on the above, I hereby dismiss the landlord's application for an Order of Possession and a monetary Order for rent and utilities owed 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: September 08, 2011.

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Residential Tenancy Branch