



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

matter regarding RAINCITY HOUSING
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPT

Introduction

These hearings were convened by way of conference call in response to the Tenant's Application for Dispute Resolution (the "Application") requesting an Order of Possession to get back into the rental unit.

An agent for the Landlord and the Tenant appeared for the July 10, 2017 hearing and provided affirmed testimony. The Landlord's agent confirmed receipt of the Tenant's Application by personal service. The Tenant confirmed that she had not provided any documentary evidence prior to the hearing.

The Landlord had submitted 22 pages of documentary evidence for this hearing, mainly comprising of a signed tenancy agreement between the parties. The Landlord's agent explained that he had not served a copy of this to the Tenant as the Tenant had already been served with a copy of the agreement during the tenancy which she had signed.

The Tenant confirmed that she had signed the agreement but denied that she had been given a copy of it. The Landlord's agent explained that the tenancy agreement signed by the Tenant was essential in showing that the *Residential Tenancy Act* (the "Act") does not have jurisdiction in this matter because it was provided to the Tenant as transitional housing.

The Tenant was not aware of any provision in the legislation that exempted this tenancy from the Act and stated that she needed to review the signed tenancy agreement in order to respond to this. Accordingly, pursuant to my authority under Rule 7.9 of the Residential Tenancy Branch Rules of Procedure, I adjourned the hearing to allow the Tenant to review the tenancy agreement in order to respond to the Landlord's assertion that the tenancy is not covered by the Act.

The hearing was scheduled to reconvene on August 25, 2017 at 9:00 p.m. In the interim time period the Landlord was requested to give the Tenant a copy of the tenancy agreement for this dispute. The Tenant confirmed that she will attend the Landlord's office and obtain a copy of the tenancy agreement for her to review.

The Landlord's agent appeared for the reconvened hearing but the Tenant did not. The Landlord's agent confirmed that the Tenant was provided with a copy of the tenancy agreement as per the above instructions and that no contact had been had between the parties since that time. I allowed the conference call to remain open for 12 minutes to give opportunity for the Tenant to appear, but she did not.

Analysis & Conclusion

Rule 7.3 of the Residential Tenancy Branch Rules of Procedure states 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.

As the applicant Tenant did not appear by 9:12 a.m. and the Landlord's agent appeared and was ready to proceed, I dismissed the Tenant's Application without leave to re-apply. This file is now closed.

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: August 25, 2017

Residential Tenancy Branch