Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   FFL, MNRL-S, OP

Introduction

This hearing convened as a result of a Landlord's Application for Dispute Resolution, filed on October 16, 2019, wherein the Landlord sought an Order of Possession and Monetary compensation based on a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, authority to retain the security deposit

This matter was set for hearing by telephone conference call at 9:30 a.m. on this date. The line remained open until 9:43 a.m. and the only participant who called into the hearing during this time were the Respondent Tenants. 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 the Tenants and I were the only ones who had called into this teleconference.

Analysis and Conclusion

Rules 7.1 and 7.3 of the *Residential Tenancy Branch Rules of Procedure* provide as follows:

> **Commencement of Hearing:**
> The hearing must commence at the scheduled time unless otherwise decided by the arbitrator.
>
> **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.

As the Applicant, the Landlord bears the burden of proving their claim on a balance of probabilities. The Landlord did not call into the hearing by 9:43 a.m., and the Tenants appeared and were ready to proceed; consequently, I dismiss the Landlords' claim without leave to reapply.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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: November 18, 2019

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Residential Tenancy Branch