



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNDC, FF

Introduction

I was designated to hear this matter under section 58 of the *Residential Tenancy Act* (the Act). This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the Act) for:

- a monetary order for damage to the rental unit, and for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67; and
- authorization to recover his filing fee for this application from the tenants pursuant to section 72.

The male Respondent appeared at the date and time set for the hearing of this matter. The Applicant did not, although I waited until 11:17 a.m. to enable him to connect with this teleconference hearing scheduled for 11:00 a.m.

At the hearing, the male Respondent (the male tenant) confirmed that the tenants' application for dispute resolution involving the same landlord was to be heard later that afternoon at 3:00 p.m. The male tenant said that he had expected the two applications to be heard together. He said that he would have been willing to consider the landlord's application and the tenants' application at the same hearing, at either 11:00 a.m. or 3:00 p.m. I observed that the two notices of hearing with respect to these applications may have led the landlord to believe that both applications would be heard at 3:00 p.m. I said that the landlord may have understood that the second notice of hearing issued by the Residential Tenancy Branch (RTB) superseded the initial notice issued on April 12, 2012 for the 11:00 a.m. hearing of the landlord's application on June 6, 2012.

Under these circumstances and out of an abundance of caution, I advised the male tenant that I intended to delay making my decision on the landlord's application until after the 3:00 p.m. hearing that day. I said that this would give the landlord an additional opportunity to explain why he had not participated in the 11:00 a.m. hearing and whether the scheduling of the tenants' application for 3:00 p.m. led him to believe that both applications would be considered at 3:00 p.m. I advised the male tenant that I had 30 days to make my decision and I intended to wait until 3:00 p.m. that day to ensure that the landlord's failure to

participate in the 11:00 hearing of his application did not result from the RTB's issuance of two hearing times with respect to the parties' applications for the same tenancy.

At the 3:00 p.m. hearing, once more the male tenant participated in the teleconference hearing and the landlord did not, although I waited until 3:31 p.m. for him to connect with the scheduled 3:00 p.m. teleconference hearing.

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 Commencement of the hearing 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.

Accordingly, **in the absence of any appearance at the hearing by the Applicant/landlord, I order the landlord's application dismissed without liberty 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: June 07, 2012

Residential Tenancy Branch