



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC RP RR FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenant to obtain a Monetary Order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, to make repairs to the unit, site or property, to allow a tenant to reduce rent for repairs, services or facilities agreed upon but not provided, and to recover the cost of the filing fee from the respondent.

The respondent appeared at the teleconference hearing, however no one appeared on behalf of the applicant Tenant.

### Issue(s) to be Decided

1. Should this application be dismissed?

### Background and Evidence

At the outset of the hearing the respondent attended and advised that he is not the Landlord. He confirmed that he is a tenant who resides in the upstairs of the rental house and noted that his rental unit is separate from the downstairs self contained suite.

### Analysis

There was no additional evidence or testimony provided in support of this application as no one attended the teleconference hearing on behalf of the Tenant.

### Analysis

Section 61 of the *Residential Tenancy Act* states that upon accepting an application for dispute resolution, the Director must set the matter down for a hearing and that the Director must determine if the hearing is to be oral or in writing. In this case, the hearing was scheduled for an oral teleconference hearing.

In the absence of the applicant Tenant, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the applicant called into the hearing during this time.

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 evidence or submissions from the applicant I order the application dismissed without liberty to reapply.**

Conclusion

I HEREBY DISMISS the application, 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: July 25, 2012.

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Residential Tenancy Branch