



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDC

### Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant a monetary order for money owed or compensation for damage or loss under the Act.

Both parties appeared, the tenant acknowledged receiving the evidence package from the landlord.

### Preliminary Issues

At the outset of the hearing the tenant stated he has not filed any evidence to support his claim and would like the matter adjourned to allow him more time to gather that information. The landlord objected as it would be unfair and prejudicial to the landlord.

In this case, the tenant has not filed any documentary evidence, the incident occurred on October 9, 2011 and the application filed one year later. A dispute resolution hearing is a formal, legal process and parties are required to be properly prepared.

Under the Residential Tenancy Branch Rules of Procedures, the Applicant, to the extent possible, must file copies of all available documents, photographs, video or audio tape evidence at the same time as the application is filed. If between the filing of the application and date of dispute resolution hearing new evidence is found that evidence must be served as soon as possible and at least five days before the scheduled hearing.

I find that it would be unfair to the landlord to give the tenant addition time to gather information that with due diligence the tenant could have filed before the dispute resolution hearing. As a result, the tenant's application for an adjournment is denied.

At the commencement of the hearing the tenant became agitated and refused to participate and at approximately 9:33 am the tenant disconnected from the conference call.

The line remained open while the phone system was monitored for a further ten minutes to give the tenant another opportunity to called into the hearing, however, the tenant did not called back into the conference call. The landlord remained on the line and was ready to proceed.

As the onus was on the tenant to prove the claimed file against the landlord, I find in the absent of any verbal testimony, written submission or documentary evidence, the tenant has failed to prove their claim. As a result, I dismissed the tenant's application without leave to reapply.

Conclusion

The tenant refused to participate in the hearing and exited the conference call.

The tenant's application is dismissed 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: January 03, 2013.

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Residential Tenancy Branch