



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding TLA Enterprises
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes:

MNDC, OLC, PSF

Introduction

This hearing was scheduled in response to the Tenant's Application for Dispute Resolution, in which the Tenant applied for a monetary Order, for an Order requiring the Landlord to comply with the *Residential Tenancy Act (Act)* or the tenancy agreement; and for an Order requiring the Landlord to provide services or facilities agreed upon but not provided.

Issue(s) to be Decided

Is the Tenant entitled to compensation for being without a heater in the rental unit and is there a need to order the Landlord to provide the Tenant with a heater?

Background and Evidence

This hearing commenced at 10:31 a.m. on this date and was monitored until 10:42 a.m. The Landlord was represented at the hearing but the Tenant did not attend the hearing prior to its conclusion at 10:42 a.m.

Analysis

Section 61 of the *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 a teleconference hearing.

Rule 10.1 of the Rules of Procedure stipulates that 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.

I find that the Tenant did not diligently pursue this Application for Dispute Resolution, as he did not attend the hearing.

Conclusion

As the Tenant did not diligently pursue the matter, I 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: April 09, 2013

Residential Tenancy Branch

