



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes AAT, O, OLC, RR

Introduction

The applicant failed to contact the telephone bridge number at the scheduled start of the hearing. The respondent was present. The telephone line conference line remained open and the phone system was monitored for ten minutes. The matter was re-called at that time. The applicant failed to appear. I then proceeded with the hearing.

On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. The Application for Dispute Resolution seeks an order that the landlord comply with the Act, regulations or tenancy agreement. In particular the applicant seeks an order that the landlord's policy that guests of the tenant produce government identification in order to visit the tenant's rental unit be determined to be violating the Residential Tenancy Act..

The landlord testified there is another matter (involving the same landlord but a different tenant) where an arbitrator has ruled that this policy violates the Residential Tenancy Act. The landlord has filed an application for judicial review which is set for hearing in early February 2015.

As the tenant did not appear I determined it was appropriate to dismiss the application. Normally, where a party has not appeared the application is dismissed without leave to re-apply. However, in this case there may been some confusion as the landlord had provided the tenant with a letter indicating he would be requesting an adjournment. This does not relieve the tenant of the obligation to appear at the hearing. Also, it appears the tenants are waiting for the results of the judicial review. In the

circumstances I determined it was appropriate to dismiss the tenant's application with leave to re-apply.

I note that in another application involving the same landlord but different tenant the arbitrator dismissed the application with leave to re-apply on the basis that the tenant's claim was substantially linked to a matter that is currently before the Supreme Court (the application for judicially review).

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: November 25, 2014

Residential Tenancy Branch

