



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 filed by the Tenant on July 22, 2014, to obtain a Monetary Order \$20,000.00 for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement.

The hearing was conducted via teleconference and was attended by the respondent Landlord. No one appeared at the scheduled hearing on behalf of the applicant Tenant.

Issue(s) to be Decided

- 1) Should the Tenant's application for dispute resolution be dismissed with or without leave to reapply?

Background and Evidence

There was no evidence or testimony provided in support of the Tenant's application as no one attended the scheduled teleconference hearing on behalf of the Tenant and no documentary evidence was received on file from 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 seventeen minutes and no one on behalf of the Tenant 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 from the applicant Tenant, I find the Tenant failed to prove the merits of their claim, and I order their application dismissed without liberty to reapply.

Conclusion

I HEREBY DISMISS The Tenant's 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: January 22, 2015

Residential Tenancy Branch

