



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP, RP, MNDC, OLC

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant filed under the Residential Tenancy Act, (the “Act”), for a monetary order for money owed or compensation for damage or loss under the Act.

Both parties appeared, gave affirmed testimony, and were provided the opportunity to present their evidence orally and in written and documentary form, and to cross-examine the other party, and make submissions at the hearing.

The parties confirmed receipt of all evidence submissions and there were no disputes in relation to review of the evidence submissions.

Procedural matter

At the outset of the hearing the tenant indicated that they have vacated the rental unit and the only issue to be considered is their claim for monetary compensation.

On two occasions during the hearing the tenant's telephone disconnected from the telephone conference. Each time the tenant promptly dialed back into the conference. The tenant was cautioned that this is a legal proceeding and they are required to be properly prepared.

As the hearing progressed the tenant realized that the landlord disputed their claim for compensation. The tenant also became aware that they provided no supporting documentary evidence, such as photographs and receipts. The tenant indicated that they could send their evidence in later. The tenant was informed that no additional documentary evidence is allowed be submitted as the hearing has started and the evidence was not provided to the landlord in accordance with the Residential Tenancy Branch Rules of Procedures.

The tenant then exited the hearing while making comments, which were not fully auditable. Although the tenant was cautioned about exiting the hearing earlier, I monitored the phone system for an additional ten minutes, while the landlord remained

on the line. The tenant did not called into the hearing during this time. Therefore, I determined that the tenant purposely left the hearing due to evidence issues, rather than for technical difficulties. Therefore, I dismiss the tenant's claim without leave to reapply.

Conclusion

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: August 12, 2015

Residential Tenancy Branch

