



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Haven Properties  
and [tenant name suppressed to protect privacy]

## **DECISION**

### Dispute Codes:

MNDC, FF

### Introduction:

This hearing was convened in response to an Application for Dispute Resolution filed by the Tenant in which the Tenant applied for a monetary Order for money owed or compensation for damage or loss and to recover the fee for filing this Application for Dispute Resolution.

### Issue(s) to be Decided:

Is the Tenant entitled to a rent refund?

### Background and Evidence:

Section 61 of the *Residential Tenancy Act (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.

This hearing was scheduled to commence at 1:30 p.m. on December 12, 2016. I dialed into the teleconference at 1:31 p.m. and monitored the teleconference until 1:42 p.m. The Agent for the Landlord dialed into the teleconference but by the time the teleconference was terminated the Tenant had not dialed into the teleconference.

### Analysis

I find that the Tenant failed to diligently pursue the application and I therefore dismiss the application without leave to reapply.

Conclusion

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 *Act*.

Dated: December 14, 2016

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Residential Tenancy Branch