



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding STARLIGHT CORP C/O DEVON PROPERTIES LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FF MNDC OLC PSF RP RR

Introduction

This hearing was scheduled to hear the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- a Monetary Order pursuant to section 67 of the *Act*;
- an Order directing the landlord to comply with the *Act* pursuant to section 62;
- an Order directing the landlord to make repairs to the unit pursuant to section 65;
- an Order directing the landlord to provide services or facilities required by law pursuant to section 65;
- authorization to allow the tenant to reduce rent for repairs, services or facilities agreed upon but not provided pursuant to section 65; and
- a return of the filing fee pursuant to section 72 of the *Act*.

Only the landlord and counsel for the landlord appeared at the hearing.

Following introductory remarks, landlord, G.S.; explained that the tenant had visited his office on July 7, 2017 seeking an adjournment of the matter. The landlord stated that the tenant informed him that she would be out of the country for most of August 2017 and would be returning in mid-September 2017.

Additionally, counsel for G.S. asked that the name of the landlord on the tenant's application be amended to reflect the landlord's proper, legal name. Without the consent of the tenant, I am unable to amend the tenant's application to reflect this change.

Residential Tenancy Rule of Procedure #7.8 reads, "At any time after the dispute resolution hearing begins, the arbitrator may adjourn the dispute resolution hearing to another time. A party or a party's agent may request that a hearing be adjourned. The

arbitrator will determine whether the circumstances warrant the adjournment of the hearing.”

I find that the tenant or an agent for the tenant has not formally requested an adjournment of the matter. The tenant or the tenant’s agent have not contacted the *Residential Tenancy Branch* seeking an adjournment of the matter, nor was any documentation provided at the hearing by the tenant or their agent showing that they could not attend this hearing. The tenant or their agent did not attend the hearing to present evidence to establish her right to the order she was seeking.

Rule 7.3 of the Rules of Procedure provides as follows:

7.3 Commencement of the dispute resolution proceeding - The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the dispute resolution proceeding in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

Conclusion

In the absence of the tenant’s participation in this hearing and failure to produce evidence to establish her claims, I order the application dismissed without liberty 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 31, 2017

Residential Tenancy Branch