



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Eliberts Real Estate Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, MNRT, OLC, FFT

Introduction

Neither party attended at the appointed time set for the hearing, although I waited for ten minutes to enable them to participate in this hearing scheduled for 10:30 am on Tuesday, April 17, 2018. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that I was the only person who had called into this teleconference.

Issues to be Decided

The Tenant has filed an Application for Dispute Resolution ("Application") to address the following issues:

- Has the Tenant established that the 10-day notice to terminate the tenancy ought to be cancelled, pursuant to section 46 of the *Residential Tenancy Act*?
- Is the Tenant entitled to a monetary award for the cost of emergency repairs, pursuant to sections 33 and 67 of the *Residential Tenancy Act*?
- Should there be an Order requiring the Landlord to comply with the *Residential Tenancy Act*, pursuant to section 62?
- Is the Tenant entitled to a recovery of his filing fee of \$100, pursuant to section 72 of the *Residential Tenancy Act*?

Analysis and Conclusion

Rule 7.3 of the Residential Tenancy Branch Rules of Procedure states if a party or their agent fails to attend a hearing, the Arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the Application, with or without leave to re-apply.

As neither party called into the conference call by 10:40 a.m., I find the Tenant has not presented the merits of this Application which is hereby **dismissed with leave to reapply**. However, this does not extend any applicable time limits under the *Residential Tenancy Act* and I have made no findings of fact or law with respect to the merits of this Application.

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: April 18, 2018

Residential Tenancy Branch