



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCL, FFL

This hearing dealt with an Application for Dispute Resolution (the “Application”) that was filed by the Landlord under the *Residential Tenancy Act* (the “Act”), seeking a Monetary Order for money owed or damage or loss under the Act, regulation, or tenancy agreement and recovery of the filing fee.

This matter was set for hearing by telephone conference call at 1:30 P.M. (Pacific Time) on October 26, 2018. At 1:30 P.M. I joined the conference call and only the Tenant and their advocate were present. The Notice of Dispute Resolution Proceeding states the date and time of the hearing, that the hearing will be conducted by telephone conference call, and provides the phone number and access code for the hearing. It also instructs participants that they are to call into the hearing themselves no more than five minutes before the start of the hearing. I confirmed that the details shown in the Notice of Dispute Resolution Proceeding were correct and I note that neither the Tenant nor her advocate had difficulty attending the hearing on time. Although the line remained open while the phone system was monitored for 10 minutes, no participant called into the hearing during this time.

Rule 7.1 of the Residential Tenancy Branch Rules of Procedure (the “Rules of Procedure”) states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. As the Tenant, who is the respondent, their advocate, and I all attended the hearing on time and ready to proceed and there was no evidence before me that the parties had agreed to reschedule or adjourn the matter, I commenced the hearing as scheduled at 1:30 P.M. on October 26, 2018. Rule 7.3 of the Rules of Procedure states that if a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to reapply. Further to this, rule 8.1 of the Rules of Procedure states that the arbitrator determines when the hearing has ended.

As neither the Landlord nor an agent acting on their behalf attended the hearing to provide evidence or testimony for my consideration in relation to the Landlord’s Application within 10 minutes of the commencement of the hearing, I therefore

concluded the hearing at 1:40 P.M. and dismissed the Landlord'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: October 26, 2018

Residential Tenancy Branch