



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNDCT

Introduction

The Application for Dispute Resolution filed by the Tenant seeks a monetary order in the sum of \$12,800 including a claim for double the security deposit.

The Tenant Applicant failed to appear at the scheduled start of the hearing which was 11:00 a.m. on September 27, 2018. The Landlord Respondent was present and ready to proceed. I left the teleconference hearing connection open and did not start the hearing until 10 minutes after the scheduled start time in order to enable the tenant to call in. The tenant failed to appear. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I then proceeded with the hearing. The Respondent was given a full opportunity to present affirmed testimony, to make submissions and to call witnesses.

The Respondent testified he has taken a day off work and is ready to proceed today. He has spent time preparing and has uploaded evidence onto the website. He testified that he became aware of this hearing by an e-mail. He contacted the Branch and was told he should appear. He also testified he has been served with another Application for Dispute Resolution seeking a similar claim that is set for hearing on December 18, 2018.

Rule 7.3 of the Rules of Procedure provides as follows:

7.3 Consequences of not attending the hearing

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 re-apply.

The Applicant has the burden of proof. The Applicant failed to appear. The Respondent was present and ready to proceed. He has taken the day off work to attend the hearing and has spent time preparing for the hearing.

It is the responsibility of an Applicant to make sure an Application for Dispute Resolution has been cancelled if he/she does not wish to proceed with that Application. That has not occurred and the respondent has been prejudiced as a result.

I order that the application dismissed without liberty to reapply.

This decision is final and binding on the parties.

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: September 27, 2018

Residential Tenancy Branch