



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDL, FFL

### Introduction

This hearing dealt with the landlords' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- authorization to recover the filing fee for this application from the tenant;
- a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement.

The tenant called in to the hearing at the scheduled time of 1:30PM. The landlord or his agent did not call into this hearing even though I left the conference bridge open until 1:41PM. I note the following sections of the Residential Tenancy Branch's Rules of Procedure:

#### **7.1 Commencement of the dispute resolution hearing**

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

#### **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.

#### **7.4 Evidence must be presented**

Evidence must be presented by the party who submitted it, or by the party's agent. If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

I conducted the hearing in the absence of the landlord. The tenant affirmed she would provide truthful testimony during the hearing. She testified she received the landlord's application for dispute resolution and 31 pages of evidence in the summer of 2018 when the landlord dropped it off at her place of employment. The tenant did not provide any

documentary evidence to the landlord or the Residential Tenancy Branch in advance of this hearing.

### Issues to be Decided

- Is the landlord entitled to compensation for lost revenue pursuant to Section 67 of the *Act*?
- Is the Landlords entitled to recover the \$100 filing fee for this application from the tenant, pursuant to Section 72 of the *Act*?

### Background and Evidence

The landlord's application seeks \$35,000 for damage to the rental unit and 17 months of lost rent due to the requirement for the rental unit to be vacant while it was repaired. The damage is alleged to be the result of a "grow op."

As the landlord did not appear to present any evidence, per Rule of Procedure 7.4 I am not considering the landlord's documentary evidence.

### Conclusion

In the absence of the applicant landlord to present their claim, I dismiss the landlord's application in its entirety without leave to reapply.

I do not award the filing fee to the landlord.

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: December 6, 2018

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Residential Tenancy Branch