



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, RPP

Introduction

On August 14, 2018, the Tenant applied for a Dispute Resolution proceeding seeking a return of personal property pursuant to Section 65 of the *Residential Tenancy Act* (the “*Act*”) and seeking monetary compensation pursuant to Section 67 of the *Act*.

The Landlord attended the hearing; however, the Tenant did not appear during the eighteen-minute hearing.

Background and Evidence

This hearing was scheduled to commence via teleconference at 1:30 PM on December 18, 2018.

Rule 7.1 of the Rules of Procedure stipulates that the hearing must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

I dialed into the teleconference at 1:30 PM and monitored the teleconference until 1:48 PM. Only the Respondent dialed into the teleconference during this time. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I confirmed during the hearing that the Applicant did not dial in and I also confirmed from the teleconference system that the only party who had called into this teleconference was the Landlord.

Analysis

As the Applicant did not attend the hearing by 1:48 PM, I find that the Application for Dispute Resolution has been abandoned. Therefore, I dismiss the Tenant's Application without leave to reapply.

Furthermore, I find it important to note that the Tenant's request for monetary compensation on this Application is seemingly identical to her request on a previous application where the Arbitrator dismissed her claim without leave to reapply (the related file number is listed on the first page of this decision). Consequently, even if the Tenant had attended this hearing, if her claims were identical, I would not have been able to consider her claims or change the previous Arbitrator's decision. Rather, her Application would have been dismissed without leave to reapply, in any event.

Conclusion

I dismiss the Tenant's Application for Dispute Resolution 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: December 18, 2018

Residential Tenancy Branch