



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CAPREIT LIMITED PARTNERSHIP
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OLC, RR

On September 21, 2018 a hearing was conducted via conference call between these two parties. The landlord attended, but the tenant did not. Despite leaving the conference call hearing open for 10 minutes the tenant failed to attend. The tenant's application was dismissed. The tenant applied for a review of this decision for being unable to attend. The arbitrator ordered the decision and accompanying order suspended pending a review hearing for the tenant's request that the landlord comply with the Act and rent reduction only.

This is a review hearing granted for the tenant's application pursuant to the *Residential Tenancy Act* (the Act) for:

- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62;
- an order to allow the tenant(s) to reduce rent for repairs, services or facilities agreed upon but not provided, pursuant to section 65.

Pursuant to sections 58 and 82 of the *Act*, I was designated to conduct a new hearing of the tenant's application. This matter was set for a conference call hearing at 9:30 a.m. on this date. The tenant failed to attend, but the landlord attended the hearing by way of conference call. The landlord's agent provided undisputed affirmed testimony that he was served with the tenant's notice of a review hearing and was aware of the listed issues. I waited 12 minutes past the start of the scheduled hearing to enable both parties to participate in this hearing scheduled for 9:30 am, the tenant failed to attend and participate. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Review Hearing. I also confirmed from the teleconference system that the landlord and I were the only persons who had called into this teleconference.

Rule 7 of the Rules of Procedure provides that:

7.1 Commencement of the dispute resolution hearing

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

7.2 Delay in the start of a hearing

In the event of a delay of a start of a conference call hearing, each party must stay available on the line to commence the hearing for 30 minutes after the time scheduled for the start of the hearing.

In the event of a delay of a face-to-face hearing, unless otherwise advised, the parties must remain available to commence the hearing at the hearing location for 30 minutes after the time scheduled for the start of the hearing.

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.

Accordingly, in the absence of the tenant attending this hearing and in accordance with section 82(3) of the *Act*, I confirm the original decision and Orders. The tenant's application is dismissed 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: January 21, 2019

Residential Tenancy Branch