



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding DEVON PROPERTIES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDCT, RR, FFT

Introduction and Analysis

This hearing dealt with the tenant's Application for Dispute Resolution ("application") seeking remedy under the *Residential Tenancy Act* ("Act") for a monetary order in the amended amount of \$22,603.00 for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement, for a rent reduction, and to recover the cost of the filing fee.

The applicant did not attend the hearing. A neighbour of the tenant, PM, claimed to be the tenant's advocate; however, failed to submit a signed authorization letter from the tenant applicant to support that PM was the tenant's advocate and/or agent. PM stated that the tenant was not available to attend the hearing due to a "procedure" but confirmed that he had no details of what that "procedure" was. A temporary articling student CJ, stated that she was not representing the tenant, and was at the hearing in a "support role". Counsel for the landlord, RH, attended the hearing.

While PM suggested that the hearing proceed without the tenant applicant in attendance, I find the PM is not a party to this dispute due to insufficient evidence before me, such as a signed authorization from the tenant. PM requested permission to submit late evidence of a signed authorization which was denied as the application was filed August 9, 2018, and the timeline for the submission of evidence has passed and I find that PM is not a party to this dispute without a signed authorization from the tenant to support otherwise.

In reaching this finding I have considered Residential Tenancy Branch Policy Guideline 26 which states in part:

At times an advocate may attend a hearing in place of a party. **The advocate may be required to provide written verification that they have authority to do so.**

Written verification is not required where an advocate is attending with a party.

[Emphasis added]

Therefore, in the interests of fairness to the applicant who may be undergoing a procedure that prevented the applicant from attending the teleconference hearing, I **dismiss** the tenant's application **with leave to reapply**. I note this decision does not extend any applicable time limits under the *Act*.

Conclusion

The tenant's application is dismissed with leave to reapply. This decision does not extend any applicable time limits under the *Act*.

I do not grant the recovery of the cost of the filing fee as the tenant failed to attend the hearing or submit a signed agent authorization in advance of the hearing as indicated above.

The decision will be emailed to the tenant, and sent by regular mail to the landlord.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: February 19, 2019

Residential Tenancy Branch