



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT

Introduction

This hearing convened as a result of a Tenant's Application for Dispute Resolution wherein the Tenant requested monetary compensation from the Landlord in the amount of \$11,850.00.

The initial hearing was conducted by teleconference at 1:30 p.m. on January 25, 2019. The hearing did not complete on that date and was adjourned to March 14, 2019 at 11:00 a.m. The Landlord, the Landlord's counsel and an articulated student on behalf of the Landlord called into the adjourned hearing. The Tenant did not call into the hearing on March 14, 2019, although I left the teleconference hearing connection open until 11:10 a.m.

I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the Landlord and the Landlord's representatives and I were the only ones who had called into this teleconference.

Analysis and Conclusion

Rules 7.1 and 7.3 of the *Residential Tenancy Branch Rules of Procedure* provide as follows:

Commencement of Hearing:

The hearing must commence at the scheduled time unless otherwise decided by the arbitrator.

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.

As the Applicant, the Tenant bears the burden of proving their claim on a balance of probabilities. In failing to attend the second day of the hearing, the Tenant has failed to meet the burden of proving their claim. I therefore dismiss the Tenant's claim without leave to reapply.

This decision is final and binding on the parties, except as 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: March 14, 2019

Residential Tenancy Branch