



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding VANTAGE WEST REALTY and
[tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDCL-S, MNDL-S, MNRL-S, FFL

Introduction

This hearing dealt with the Landlord's Application for Dispute Resolution, made on December 20, 2018 (the "Application"). The Landlord applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- a monetary order for damage to the unit, site, or property;
- a monetary order for money owed or compensation for damage or loss;
- a monetary order for unpaid rent;
- an order permitting the landlord to retain the security deposit; and
- an order granting recovery of the filing fee.

This matter was set for hearing by telephone conference call at 1:30 P.M. (Pacific Time) on April 12, 2019. At 1:30 P.M. I joined the conference call and only the Tenant and I were present. The Notice of Dispute Resolution Proceeding states the date and time of the hearing, that the hearing will be conducted by telephone conference call, and provides the phone number and access code for the hearing. It also instructs participants that they are to call into the hearing themselves no more than five minutes before the start of the hearing. I confirmed that the details shown in the Notice of Dispute Resolution Proceeding were correct and I note that the Tenant had no difficulty attending the hearing on time. Although the line remained open while the phone system was monitored for 10 minutes, no one called into the hearing for the Landlord during this time.

Rule 7.1 of the Residential Tenancy Branch Rules of Procedure (the "Rules of Procedure") states that the dispute resolution hearing will commence at the scheduled

time unless otherwise set by the arbitrator. As the Tenant, who is the respondent and I attended the hearing on time and ready to proceed and there was no evidence before me that the parties had agreed to reschedule or adjourn the matter, I commenced the hearing as scheduled at 1:30 P.M. on April 12, 2019. Rule 7.3 of the Rules of Procedure states that 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 reapply. Further to this, rule 8.1 of the Rules of Procedure states that the arbitrator determines when the hearing has ended.

As no one attended the hearing for the Landlord to provide evidence or testimony for my consideration in relation to the Landlord's Application within 10 minutes of the commencement of the hearing, I therefore concluded the hearing at 1:40 P.M. and dismissed the Landlord's Application without leave to reapply.

Conclusion

No one appeared at the hearing for the Landlord. As such, I dismiss the Landlord's Application 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: April 12, 2019

Residential Tenancy Branch