



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, FFT

Introduction

This teleconference hearing was scheduled in response to an application by the Tenant under the *Residential Tenancy Act* (the “Act”) for monetary compensation and for the recovery of the filing fee paid for the Application for Dispute Resolution.

An agent and legal counsel for the Landlord were present for the teleconference hearing. The agent was affirmed to be truthful in her testimony and confirmed receipt of the Notice of Dispute Resolution Proceeding package as delivered in person. The agent did not receive any evidence from the Tenant. The agent confirmed that a copy of their evidence was served to the Tenant in person on April 17, 2019.

The Tenant did not call into the hearing during the 10 minutes that the teleconference line remained open.

Issues to be Decided

Is the Tenant entitled to monetary compensation?

Should the Tenant be awarded the recovery of the filing fee paid for the Application for Dispute Resolution?

Background and Evidence

As stated by rule 6.6 of the *Residential Tenancy Branch Rules of Procedure*, the onus to prove a claim, on a balance of probabilities, is on the party making the claim. As the Tenant did not attend the hearing during the 10 minute duration of the hearing, no further testimony was heard regarding the Tenant’s claims.

Analysis

As stated by rule 7.3 of the *Residential Tenancy Branch Rules of Procedure*, if a party does not attend the hearing, the hearing may continue, or the application may be dismissed.

As the hearing was scheduled in response to the Tenant's Application for Dispute Resolution, the hearing did not continue in the absence of the Tenant. Therefore, the application is dismissed. As the Landlords had representation present and ready to proceed with the hearing at the scheduled time, I dismiss the Tenant's Application for Dispute Resolution, without leave to reapply.

Conclusion

The Application for Dispute Resolution 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: April 26, 2019

Residential Tenancy Branch