



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      ERP, MNDCT, OLC

### Introduction

This hearing was convened in response to an Application for Dispute Resolution filed by the Tenant, in which he applied for an Order requiring the Landlord to comply with the tenancy agreement or the *Residential Tenancy Act* (the *Act*), for a monetary Order for damage or compensation; and for an Order requiring the Landlord to make emergency repairs.

### Issue(s) to be Decided

Is the tenant entitled to a monetary Order?  
Is there a need to issue an Order requiring the Landlord to make repairs?  
Is there a need to issue an Order requiring the Landlord to comply with the *Act* or tenancy agreement?

### Background and Evidence:

Section 61 of the *Residential Tenancy Act* (*Act*) states that upon accepting an application for dispute resolution, the director must set the matter down for a hearing and that the director must determine if the hearing is to be oral or in writing. In this case, the hearing was scheduled for a teleconference hearing.

Rule 10.1 of the Rules of Procedure stipulates that the hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

This hearing was scheduled to commence at 11:00 a.m. today. I dialed into the teleconference at 11:01 a.m. and determined the Landlord was present. By the time the teleconference was terminated at 11:11 a.m., the Tenant had not appeared.

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 I were the only ones who had called into this teleconference.

### Analysis

I find that the Tenant failed to diligently pursue the Application for Dispute Resolution and I therefore dismiss the Application 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: May 28, 2019

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Residential Tenancy Branch