Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   MNDCT, RPP

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("*Act*") for:

- a monetary order of $2,000.00 for compensation for damage or loss under the *Act, Residential Tenancy Regulation* or tenancy agreement, pursuant to section 62; and
- an order requiring the landlord to return the tenant's personal property, pursuant to section 33.

While the respondent landlord's agent attended the hearing by way of conference call, the applicant tenant did not, although I waited until 9:41 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 9:30 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's agent and I were the only people who called into this teleconference.

The landlord's agent confirmed that he had permission to represent the landlord named in this application at this hearing.

The landlord's agent confirmed receipt of the tenant's application for dispute resolution hearing package. In accordance with sections 89 and 90 of the *Act*, I find that the landlord was duly served with the tenant's application.

Pursuant to section 64(3)(c) of the *Act*, I amend the tenant's application to correct the surname of the landlord named in this application. The landlord's agent provided the correct legal surname and consented to this amendment during the hearing. I find no prejudice to the tenant in making this amendment.

Rule 7.3 of the Residential Tenancy Branch *Rules of Procedure* provides as follows:

> *7.3 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.*

In the absence of any appearance by the tenant, I order the tenant's entire application 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 21, 2019

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Residential Tenancy Branch