Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   **FFL MNRL-S**

Introduction

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

A monetary order for unpaid rent and to retain a security deposit pursuant to section 38 and 67; and
Authorization to recover the filing fees from the tenants pursuant to section 72.

Both tenants attended the hearing, the landlord did not. I left the teleconference hearing connection open until 1:40 p.m. to enable the landlord to call into this hearing scheduled for 1:30 p.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 tenants and I were the only ones who had called in.

Rule 7.3 of the Rules of Procedure provides 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 re-apply. Rule 7.4 states that evidence must be presented by the party who submitted it, or by the party's agent. If a party or their agent does not attend to present evidence, any written submissions supplied may or may not be considered.

The landlord did not attend the hearing which was scheduled by conference call at 1:30 p.m. and concluded at 1:40 p.m. As he did not attend, he did not present evidence regarding the merits of his claim for me to consider.

Consequently, I dismiss the landlord's application without leave to reapply.

As the landlord was not successful in his claim, he will not recover the filing fee.

Conclusion

The landlord's claim 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 03, 2019

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Residential Tenancy Branch