Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   FFT, MNDCT

Introduction

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

- a monetary order for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67; and
- authorization to recover her filing fee for this application from the landlord pursuant to section 72.

This matter was originally heard on June 17, 2019. The tenant appeared at the original hearing but there was no appearing on behalf of the landlord. The tenant testified that the landlord had passed away. The hearing was adjourned so that the tenant could serve the personal representative of the landlord's estate with the notice of dispute and the tenant's evidence.

The executrix for the landlord's estate attended this reconvened hearing. The executrix for the landlord's estate had full opportunity to provide affirmed testimony, present evidence, and make submissions.

The tenant did not attend the hearing. I kept the teleconference line open from the scheduled hearing time for ten minutes to allow the tenant the opportunity to call. The teleconference system indicated only the landlord's representatives and I had called into the hearing. I confirmed the correct participant code was provided to the tenant.

Preliminary Matter – Non-Appearance of Tenant at the Hearing

The applicant tenant did not appear at the hearing. 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 reapply.

As the applicant tenant did not attend the hearing, and in the absence of any evidence or submissions, I order the tenant's application be dismissed without leave to reapply.

Conclusion

I order the tenant's application be 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: September 24, 2019

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Residential Tenancy Branch