



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP
MNDCT, OLC, PSF, RP

Introduction

This teleconference hearing was scheduled in response to applications by the Tenant under the *Residential Tenancy Act* (the “*Act*”). The Tenant filed an application for emergency repairs to be completed and filed a second application for monetary compensation, an Order for the Landlords to comply with the *Act*, *Residential Tenancy Regulation* (the “*Regulation*”), and/or tenancy agreement, for an Order for services of facilities to be provided, and for regular repairs.

Both Landlords and a family member (the “Landlords”) were present for the hearing while no one called in for the Tenant during the approximately 11 minutes that the phone line was monitored. The Landlords were affirmed to be truthful in their testimony and confirmed receipt of the Notice of Dispute Resolution Proceeding package regarding both applications from the Tenant, although stated that they did not receive some of the Tenant’s evidence.

Issues to be Decided

Should the Landlords be ordered to complete emergency repairs?

Is the Tenant entitled to monetary compensation?

Should the Landlords be ordered to comply with the *Act*, *Regulation*, and/or tenancy agreement?

Should the Landlords be ordered to provide services or facilities as required by law or the tenancy agreement?

Should the Landlords be ordered to complete regular repairs?

Background and Evidence

As the Tenant was not present for the hearing based on applications filed by the Tenant, testimony and evidence regarding the claims was not heard from the Landlords.

Analysis

As stated by rule 7.3 of the *Residential Tenancy Branch Rules of Procedure*, if a party fails to attend the hearing, the hearing may continue, or the application may be dismissed. As the hearing was scheduled based on the Tenant's applications, the hearing did not continue in the Tenant's absence.

As stated by rule 6.6 of the *Rules of Procedure*, the onus to prove a claim is on the party making the claim. Therefore, without the Tenant present to submit testimony and evidence regarding the claims, the hearing did not continue and a decision on the claims could not be made. Instead, as the Landlords attended the hearing ready to proceed as scheduled, I dismiss the Tenant's applications, without leave to reapply.

Conclusion

Due to the absence of the Tenant, both of the Tenant's Applications for Dispute Resolution are 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: November 05, 2019

Residential Tenancy Branch