



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding DUTTON'S PROPERTY MANAGEMENT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDC, FF

Introduction

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

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

At the outset the landlord's agent (the landlord) identified himself on the conference call hearing. A second party "presumed to be the tenant" was on the line, but had a "bad connection" so much so, that both the landlord and the arbitrator were unable to communicate with this person. The "tenant" was advised to hang up and call back in using an alternate stable telephone line. After waiting 8 minutes the same party identified themselves as the tenant reconnected to the conference call. After an additional 27 minutes of attempts of communicating with the tenant, I determined that the tenant's telephone line was too "unstable" and effective communication was not possible with the tenant. Only 1 in 10 words were heard and that each of these words were incoherent. The landlord confirmed that he was unable to properly hear the tenant on the conference call as well. During this broken communication, it was discovered that the tenant was out of the country in Mexico. The tenant stated that he did not have an alternative telephone line to use. The tenant was cautioned that it is his responsibility to make sure in his application that he can adequately participate and present evidence during the hearing.

I find as such that the conference call hearing could not proceed and the tenant's application was dismissed with leave to reapply due to the tenant's inconsistent quality of their telephone line for the tenant to participate and present evidence.

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: January 21, 2020

Residential Tenancy Branch