



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes AAT, OLC, FFT

Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Tenant on March 30, 2020 (the "Application"). The Tenant applied for an order allowing access to the unit for them and/or their guests and an order that the Landlord comply with the Act, regulation and/or the tenancy agreement. The Tenant also sought reimbursement for the filing fee.

The Landlord and a witness for the Landlord appeared at the hearing. The Tenant did not appear at the hearing. I waited for 10 minutes to allow the Tenant to call into the hearing; however, the Tenant did not do so. I confirmed from the teleconference system that only the Landlord, witness and I had called into the hearing.

The Landlord advised that the Tenant vacated the rental unit March 31, 2020.

Rule 7.3 of the Rules of Procedure states:

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.

The Tenant did not appear for the hearing. The Landlord did appear to address the issues raised. In these circumstances, the Application is dismissed without leave to re-apply.

I note that the Landlord raised the issue of whether the RTB has jurisdiction in this matter both in the written materials submitted and at the hearing. I did not hear the

Landlord on this issue because the Tenant did not appear at the hearing, I did not hear the matter or address the issues raised and the Application was dismissed without leave to re-apply. I have not made a decision on the jurisdiction of the RTB in this matter given I did not hear from the parties on this issue. The reference in this decision to “Landlord” and “Tenant” are simply for ease of reference and not an indication of a decision on whether the *Residential Tenancy Act* applies to the parties.

Conclusion

The Application is dismissed without leave to re-apply.

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 22, 2020

Residential Tenancy Branch