



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCL-S, MNRL-S, FFL

Introduction

This hearing dealt with an Application for Dispute Resolution (“Application”) by the Landlord seeking remedy under the *Residential Tenancy Act* (“Act”) for a monetary order for damage or compensation for damage under the Act in the amount of \$310.00, and for a monetary order for unpaid rent and/or utilities, retaining the security and pet damage deposits to apply to these claims; and to recover the \$100.00 cost of her Application filing fee.

The Applicant Landlord was provided with a copy of the Notice of a Dispute Resolution Hearing on December 11, 2019; however, the Landlord did not attend the teleconference hearing scheduled for May 8, 2020 at 1:30 p.m. (Pacific Time). The phone line remained open for over ten minutes and was monitored throughout this time. The only persons to call into the hearing were the Respondent Tenants, C.H. and J.H., who indicated that they were ready to proceed.

Rule 7.1 of the Residential Tenancy Branch Rules of Procedure (“Rules”) states that the dispute resolution hearing will commence at the scheduled time, unless otherwise set by the arbitrator. The Respondent Tenants and I attended the hearing on time and were ready to proceed, and there was no evidence before me that the Parties had agreed to reschedule or adjourn the matter; accordingly, I commenced the hearing at 1:30 p.m. on May 8, 2020, as scheduled.

Rule 7.3 states 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 reapply. The teleconference line remained open for over ten minutes; however, neither the Applicant nor an agent acting on her behalf attended to provide any evidence or testimony for my consideration. As a result, and pursuant to Rule 7.3, I **dismiss the Landlord’s Application without leave to reapply.**

Conclusion

The Landlord's Application is dismissed without leave to reapply, as the Landlord or an agent for the Landlord did not attend the hearing to present the merits of the Application. The Respondent Tenants did attend the hearing.

This Decision does not extend any applicable time limits under the Act.

This Decision will be emailed to the Parties' addresses provided by the Landlord in the Application.

This Decision is final and binding on the Parties, except as otherwise provided under the Act, and 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 08, 2020

Residential Tenancy Branch