



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MACDONALD COMMERCIAL REAL ESTATE SERVICES LTD. and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes PSF, LRE, OLC

Introduction

On July 8, 2020, the Applicant made an Application for a Dispute Resolution proceeding seeking a provision of services or facilities pursuant to Section 62 of the *Residential Tenancy Act* (the “*Act*”), seeking to set conditions on the Landlord’s right to enter pursuant to Section 70 of the *Act*, and seeking an Order for the Landlord to comply pursuant to Section 62 of the *Act*.

D.W. attended the hearing as an agent for the Respondent; however, the Applicant did not make an appearance during the 17-minute teleconference hearing.

D.W. advised that as per a previous Dispute Resolution proceeding, it was determined that the Applicant was not a Tenant, as defined by the *Act* (the relevant Decision is noted on the first page of this Decision).

All parties were given an opportunity to be heard, to present sworn testimony, and to make submissions. I have reviewed all oral and written submissions before me; however, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Background and Evidence

This hearing was scheduled to commence via teleconference at 9:30 AM on August 13, 2020.

Rule 7.1 of the Rules of Procedure stipulates that the hearing must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the hearing in the absence of a party and may make a Decision or dismiss the Application, with or without leave to re-apply.

I dialed into the teleconference at 9:30 AM and monitored the teleconference until 9:47 AM. Only a representative for the Respondent dialed into the teleconference during this time. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I confirmed during the hearing that the Applicant did not dial in and I also confirmed from the teleconference system that the only party who had called into this teleconference was a representative for the Respondent.

Analysis

As the Applicant did not attend the hearing by 9:47 AM, I find that the Application for Dispute Resolution has been abandoned.

I note that D.W. was concerned that this Applicant would continue to file frivolous or vexatious future Applications despite not being a person that would meet the definition of a Tenant under the *Act*. He was provided with information to contact the Residential Tenancy Branch to have these concerns potentially investigated and addressed by the Compliance and Enforcement Unit of the Residential Tenancy Branch.

Conclusion

Based on the above, as the Applicant did not attend the hearing, I dismiss this Application for Dispute Resolution 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: August 13, 2020

Residential Tenancy Branch