Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

<u>Dispute Codes</u>   **MNDL-S, FFL**

<u>Introduction</u>

This hearing dealt with an application by the landlord under the *Residential Tenancy Act* (the *Act*) for the following:

- A monetary order for unpaid rent and for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation ("Regulation")* or tenancy agreement pursuant to section 67 of the *Act*;

- Authorization to retain all or a portion of the tenant's security deposit in partial satisfaction of the monetary order requested pursuant to section 72 of the *Act*;

- Authorization to recover the filing fee for this application pursuant to section 72.

Lawyer KH attended for the landlord ("the landlord"). The tenants did not attend the hearing. I kept the teleconference line open from the scheduled time for the hearing for an additional ten minutes to allow the tenants the opportunity to call. The teleconference system indicated only the landlord and I had called into the hearing. I confirmed the correct call-in number and participant code for the tenants were provided.

The landlord stated the landlord had settled the claim with the tenant RO and requested that the matter against the tenant RO be withdrawn without leave to reapply.

The landlord testified the tenant MM was served by email with the Notice of Hearing and Application for Dispute Resolution sent on May 8, 2020 during the State of Emergency. The landlord received notice that the tenant MM has made an assignment in bankruptcy. The landlord requested the claims against the tenant MM be withdrawn with leave to reapply.

Rule 7.3 of the Rules of Procedure provides as follows:

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 reapply.*

Further to the request of the landlord, I order the application dismissed against the tenant RO without leave to reapply.

I order the application dismissed against the tenant MM with leave to reapply.

Conclusion

The landlord's claims against the tenant RO are dismissed without leave to reapply.

The landlord's claims against the tenant MM are dismissed with 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: September 08, 2020

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Residential Tenancy Branch