Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   ERP

Introduction

This expedited hearing dealt with the tenant's application pursuant to section 33 of the *Residential Tenancy Act* (the "*Act*") for an order for emergency repairs to the rental unit.

This matter was set for hearing by telephone conference call at 9:30 am. on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the respondent and their family member.

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.

I find that filing an application and failing to pursue it diligently by attending the scheduled hearing time is a poor use of the limited resources of the Branch, inconveniencing the respondent and occupying a hearing slot which could be better used for meritorious claims. I find this is especially true when the applicant uses the expedited hearing process which is reserved for emergency matters, and hearings are scheduled on short time lines. I find the applicant's use of the expedited hearing process, and failure to either withdraw their application if they had no intention of pursuing their claim or attending the hearing, to be a frivolous use of the process and conduct worthy of censure.

Therefore, as the applicants did not attend the hearing by 9:40 am, and the respondent appeared and was ready to proceed, I dismiss the , in its entirety, 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: September 28, 2020

_____
Residential Tenancy Branch