



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **FFT, MNDCT**

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- Authorization to recover the filing fee from the landlord pursuant to section 72; and
- A monetary award for damages and loss pursuant to section 67.

I note that while the tenant applies to recover their filing fee from the landlord, the record indicates that the tenant did not pay any fees for filing this application but had their filing fee waived.

This matter was set for hearing by telephone conference call at 1:30 pm. 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.

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 further find that in the absence of the applicant to make any submissions they have not met their evidentiary burden on a balance of probabilities to establish any portion of their claim.

Therefore, as the applicant did not attend the hearing by 1:40 am, and the respondent appeared and was ready to proceed, I dismiss the claim 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: December 3, 2020

Residential Tenancy Branch