



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OLC

### Introduction

This hearing dealt with the tenant's application pursuant to section 62 of the *Residential Tenancy Act* (the "Act") for an order that the landlord comply with the Act, regulations or tenancy agreement.

The applicant failed to identify the respondents and indicated that they were unknown or refused to identify them. The applicant provided no documentary evidence to demonstrate that there is a valid tenancy for this residential address. The only pieces of documentary evidence submitted were a blank Shelter Information Form from the Ministry of Social Development and a single photograph.

Despite the deficiencies in the pleadings this matter was set for hearing by telephone conference call at 11:00 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 an individual who identified themselves as a landlord for the dispute address.

The landlord testified that they were not served with any materials and only became aware of this hearing upon receipt of a reminder email from the Branch indicating that there was a hearing at this date and time. The landlord expressed confusion as they were unaware of the reason for this hearing.

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.

Section 59(2) of the Act provides that an application for dispute resolution must include full particulars of the dispute. I find that filing an application without identifying the respondents, failing to serve anyone with the application, somehow having a hearing scheduled and then failing to pursue it diligently by not 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.

Therefore, as the applicant did not attend the hearing by 11:10 am, and an individual identified themselves as the appropriate person to be a respondent appeared and was ready to proceed, I dismiss the claim in its entirety without leave to reapply.

I note that any further issuance of baseless applications by the applicant may give rise to a basis for a claim for damages and loss by the respondent.

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 8, 2020

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Residential Tenancy Branch