



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **FFL, MNDL, MNDCL**

Introduction

This hearing dealt with the landlord's application pursuant to section 58 of the *Residential Tenancy Act* (the "Act").

While the respondent tenant E.M. attended the hearing by way of conference call, the applicant landlord did not, although I waited until 1:40 P.M. in order to enable the landlord to connect with this teleconference hearing scheduled for 1:30 P.M.

Analysis

Rule 7.1 & 7.3 of the Rules of Procedure provide as follows:

7.1 & 7.3 Commencement of the hearing & Consequences of not attending the hearing: 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 am dismissing the landlord's application without leave to reapply. I am choosing to dismiss without leave to reapply because the tenant attended the hearing and was prepared to speak to the matter, further the landlord uploaded a significant amount of evidence in support of their application, indicating they were aware of the hearing.

As the landlord was unsuccessful in his application, he must bear the cost of his own filing fee.

Conclusion

In the absence of the applicant's participation in this hearing, I order the application dismissed in its entirety without liberty 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: February 04, 2021

Residential Tenancy Branch