



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCL-S, FFL

Introduction

This hearing convened as a result of a Landlord's Application for Dispute Resolution, filed on June 15, 2020, wherein the Landlord sought \$7,600.00 in monetary compensation from the Tenant for unpaid rent, authority to retain the Tenant's security deposit, and recovery of the filing fee.

The hearing of the Landlord's Application was originally scheduled for November 13, 2020; at that time, only the Landlord and his son, J.Y., called into the hearing. As the Landlord had failed to notify the Tenant of the November hearing, the matter was adjourned to 1:30 p.m. on March 2, 2021. When the hearing reconvened on March 2, 2021, neither party called into the hearing. The line remained open while the phone system was monitored for ten minutes and no participant called into the hearing during this time.

I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that I was the only person who had called into this teleconference.

Analysis and Conclusion

Hearings before the Residential Tenancy Branch are conducted in accordance with the *Residential Tenancy Branch Rules of Procedure*. Rules 7.1, 7.3 and 7.4 address the requirement of a party to call into the teleconference hearing and read as follows:

7.1 Commencement of Hearing

The hearing must commence at the scheduled time unless otherwise decided by the arbitrator.

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 re-apply.

7.4 Evidence must be presented

Evidence must be presented by the party who submitted it, or by the party's agent. If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

As neither party called into the hearing on March 2, 2021, and in the absence of any evidence or submissions from the parties, I dismiss the Landlord's claim with leave to reapply. I note this does not extend any applicable time limits under the *Act*.

This Decision is final and binding on the parties, except as otherwise provided under the *Act*, and 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: March 2, 2021

Residential Tenancy Branch