



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **FFT, OLC, MNDCT, RR, MNRT**

Introduction

This hearing dealt with an application by the tenant under the *Residential Tenancy Act* (the *Act*) for the following:

- An order requiring the landlord to carry out emergency repairs pursuant to section 33;
- An order requiring the landlord to comply with the Act pursuant to section 62;
- An order to reduce the rent for repairs, services or facilities agreed upon but not provided pursuant to section 65;
- A monetary order for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement pursuant to section 67 of the *Act*;
- An order requiring the landlord to reimburse the tenant for the filing fee pursuant to section 72.

This matter was set for hearing by telephone conference at 9:30 AM.

The tenants attended the hearing at 9:30 AM for 3 minutes. The tenants stated they did not serve the landlord with any documents or the Notice of Hearing.

I informed the tenants that it was their obligation to serve documents on the landlord. I told them about the availability of RTB Information Officers for assistance. The male

tenant then stated, "This conversation is over" and suddenly disconnected. They did not rejoin the hearing.

The landlord did not attend the hearing. I kept the teleconference line open from the scheduled time for the hearing for an additional ten minutes to allow the landlord the opportunity to call. The teleconference system indicated only the tenants and I had called into the hearing and the tenants disconnected after 3 minutes as stated. I confirmed the correct call-in number and participant code for the landlord was provided.

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.*

As the tenant attended the hearing but did not submit evidence or submissions and as the landlord did not attend, I order the application dismissed with leave to reapply.

Conclusion

I order the application dismissed with 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: May 04, 2021

Residential Tenancy Branch