



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding ROYAL LEPAGE  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      **MNDCT, MNETC, RPP**

### Introduction

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

- A monetary order for damages or compensation pursuant to section 67;
- Compensation from the landlord related to a Notice to End Tenancy for Landlord's Use of Property pursuant to sections 51 and 67;
- An order for the landlord to return the tenant's personal property pursuant to section 65.

The tenant/applicant did not attend the hearing, although I waited until 11:10 a.m. to enable the tenant to participate in this hearing scheduled for 11:00 a.m. 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 monitoring system that the landlord and I were the only ones who had called into this teleconference.

The landlord attended the hearing, represented by CS ("landlord"). The landlord was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. The landlord testified that she was served with the tenant's Notice of Dispute Resolution Proceedings package, however the landlord was unable to serve her evidence upon the tenant because the tenant provided her former residence as an address for service. The landlord testified that the tenancy had ended when an arbitrator granted an order of possession on March 23, 2021. The tenant filed an application for review consideration which was dismissed on March 31, 2021.

Analysis

Rule 7.3 of the Rules of Procedure provides that 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.

Rule 7.4 states that 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 to present evidence, any written submissions supplied may or may not be considered.

Rule 6.6 states that the standard of proof in a dispute resolution hearing is on a balance of probabilities, which means that it is more likely than not that the facts occurred as claimed. The onus to prove their case is on the person making the claim.

The tenant did not attend the hearing which was scheduled by conference call at 11:00 a.m. As she did not attend, she did not present evidence regarding the merits of her claim for me to consider, or satisfy me that on a balance of probabilities, the facts occurred as claimed.

Consequently, I dismiss the tenant's application without leave to reapply.

Conclusion

The application is dismissed 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: August 10, 2021

---

Residential Tenancy Branch