



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNETC, FFT

Introduction

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

- a monetary order of \$12,000.00 for compensation related to a Two Month Notice to End Tenancy for Landlord's Use of Property, dated November 8, 2019 ("2 Month Notice"), pursuant to sections 51 and 67; and
- authorization to recover the filing fee for this application, pursuant to section 72.

While the respondent female landlord ("landlord") and the landlords' lawyer attended the hearing by way of conference call, the applicant tenant did not, although I waited until 1:41 p.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 1:30 p.m.

I monitored the teleconference line throughout this hearing. 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 the landlord, the landlords' lawyer, and I were the only people who called into this teleconference.

The landlord confirmed that the male landlord named in this application was her husband, who is deceased. She stated that she had permission to represent his estate at this hearing. She confirmed that the landlords' lawyer had permission to speak on her behalf and to represent the estate of her late husband.

At the outset of this hearing, I informed the landlord and the landlords' lawyer that Rule 6.11 of the Residential Tenancy Branch ("RTB") *Rules of Procedure* ("Rules") does not permit recording of this hearing by any party. The landlord and the landlords' lawyer both affirmed under oath that they would not record this hearing.

At the outset of this hearing, I explained the hearing process to the landlord and the landlords' lawyer. They had an opportunity to ask questions. Neither the landlord nor the landlords' lawyer made any adjournment or accommodation requests.

The landlords' lawyer confirmed receipt of the tenant's application for dispute resolution hearing package. In accordance with sections 89 and 90 of the *Act*, I find that the landlords were duly served with the tenant's application.

Pursuant to section 64(3)(c) of the *Act*, I amend the tenant's application to add the landlord's name and the estate of the male landlord as landlord-respondent parties. The landlord and the landlords' lawyer consented to these amendments. The landlords' lawyer confirmed that the landlord was named as a landlord in the parties' written tenancy agreement and the 2 Month Notice that the tenant submitted as evidence for this hearing. I find no prejudice to the tenant in making these amendments, as the male landlord is now deceased.

Rule 7.3 of the RTB *Rules* 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 re-apply.

In the absence of any appearance by the tenant, I order the tenant's entire application dismissed without leave to reapply, as against all landlords named in this application, and related to this tenancy and rental unit.

I informed the landlord and the landlords' lawyer of my decision during this hearing. They both confirmed their understanding of same.

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 16, 2021

Residential Tenancy Branch