



# 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 as compensation for loss or damage under the *Act*, *Residential Tenancy Regulation* or tenancy agreement, pursuant to section 67;
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

This matter had been originally heard by another arbitrator where they issued a decision on July 28, 2020. The landlord filed an application for Judicial Review which on November 18, 2020, the Supreme Court Judge set aside the original decision and ordered that a new hearing be held before me on this day.

While the landlord and his counsel attended the hearing by way of conference call, the applicant tenant did not, although I waited until 1:40 p.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 1:30 p.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 online teleconference system that the landlord, the landlord's counsel, and I were the only people who called into this teleconference.

Rule 7.3 of the Residential Tenancy Branch *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 re-apply.*

In the absence of any appearance by the tenant, I order the tenant's entire application dismissed without leave to reapply.

### Conclusion

The tenant's application is dismissed in its entirety 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 26, 2021

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Residential Tenancy Branch