



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDL, FFL

Introduction

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

- a monetary order for damage to the rental unit, pursuant to section 67; and
- authorization to recover the filing fee for this application, pursuant to section 72.

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

I confirmed that the correct call-in numbers and participant codes were provided in the Notice of Hearing. I also confirmed from the teleconference system that the tenant, her agent, and I were the only people who called into this teleconference.

The tenant and her agent were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. The tenant confirmed that her agent had permission to speak on her behalf at this hearing.

During this hearing, I informed the tenant and her agent that Rule 6.11 of the Residential Tenancy Branch ("RTB") *Rules of Procedure* ("*Rules*") does not permit recording of this hearing by anyone. The tenant and her agent affirmed, under oath, that they would not record this hearing.

At the outset of this hearing, I explained the hearing process to the tenant and her agent. They had an opportunity to ask questions. They did not make any adjournment or accommodation requests.

The tenant stated that she did not receive the landlord's application for dispute resolution hearing package. She said that the landlord sent her a screenshot of the file number. She claimed that she called the RTB, that provided her with the access code to call into this hearing.

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 landlord, I order the landlord's entire application dismissed without leave to reapply.

I informed the tenant and her agent of my decision during this hearing. They 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 24, 2021

Residential Tenancy Branch