



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

**Dispute Codes**      OPT

### **Introduction**

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "**Act**") for an order of possession pursuant to section 54. The application was brought on an expedited basis pursuant to Residential Tenancy Branch (the "**RTB**") Rule of Procedure 10.

The tenant did not attend this hearing, although I left the teleconference hearing connection open until 9:40 am in order to enable the tenant to call into this teleconference hearing scheduled for 9:30 am. Landlord PR attended the hearing. He was assisted by counsel, appearing on behalf of all landlords ("**ID**"). 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 PR, ID, and I were the only ones who had called into this teleconference.

ID advised me that the parties had a hearing before the RTB on August 23, 2021 (file number on the cover of this decision) which dealt with substantially the same issues as this application.

The landlord was successful in that application, as the tenant's application was dismissed without leave to reapply.

In any event, Rule of Procedure 6.6 states:

### **6.6 The standard of proof and onus of proof**

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. In most circumstances this is the person making the application.

As this is the tenant's application, he bears the burden of proof to show he is entitled to the relief sought. Since the tenant did not attend this hearing, he was unable to discharge this evidentiary burden. Per Rule 7.4, I have not considered any of the documents submitted

by the tenant in support of his application. He (or his agent) must attend the hearing and present these documents for them to be considered.

As the tenant failed to prove it is more likely than not that he is entitled to the relief he seeks, I dismiss his application, 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 30, 2021

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Residential Tenancy Branch