



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC

Introduction

The tenant filed an Application for Dispute Resolution on May 27, 2021 seeking an order that the landlord comply with the legislation and/or tenancy agreement. The matter proceeded by way of a hearing pursuant to s. 74(2) of the *Residential Tenancy Act* (the “Act”) on September 24, 2021.

The tenant did not attend the hearing, although I left the teleconference hearing connection open until 11:10am to enable the tenant to call in to this teleconference hearing scheduled for 11:00am.

I confirmed that the correct call-in number and participant code was set out in the Notice of Hearing. I also confirmed throughout the duration of the call that the tenant was not in attendance. The landlord attended the call and informed me that the tenant moved out on June 30, 2021. After this on July 8 the landlord refunded the tenant’s security deposit to them; this was the pretext of the tenant’s Application here.

Rule 7.3 of the *Residential Tenancy Branch Rules of Procedure* provides that if a party or their agent fails to attend the hearing, the arbitrator may conduct the hearing in the absence of that party or dismiss the application without leave to re-apply.

Conclusion

As the applicant tenant did not attend to present their Application, and given the information imparted by the landlord here, I dismiss the tenant’s application for a cancellation of the Notice, without leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under s. 9.1(1) of the *Act*.

Dated: September 24, 2021