



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* (the "**Act**") for an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62.

The tenant did not attend this hearing, although I left the teleconference hearing connection open until 11:10 am in order to enable the tenant to call into this teleconference hearing scheduled for 11:00 am. The landlord's chief operating officer ("**SL**") attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. 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 SL and I were the only ones who had called into this teleconference.

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.

This is the tenant's application. As such, she bears the onus to prove her claim. As she failed to attend the hearing, I find that she has failed to discharge her evidentiary burden to prove that she is entitled to the relief sought. Pursuant to Rule of Procedure 7.4, the tenant (or her agent) must attend the hearing and present evidence for it to be considered. As this did not occur, I have not considered any of the documentary evidence submitted by the tenant in advance of the hearing.

I dismiss the 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: September 2, 2021