



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNL, MNDCT, DRI, FFT

Introduction

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

- cancellation of the landlords' Two Month Notice to End Tenancy for Landlord's Use of Property, dated May 5, 2021 ("2 Month Notice"), pursuant to section 49;
- a monetary order of \$875.76 for compensation under the *Act*, *Residential Tenancy Regulation* or tenancy agreement, pursuant to section 67;
- a monetary order of \$69.00 regarding a disputed additional rent increase, pursuant to section 43; and
- authorization to recover the filing fee for this application, pursuant to section 72.

Landlord HB ("landlord") and the tenant attended the hearing and were each given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The hearing began at 9:30 a.m. with only me present. The landlord called in at 9:31 a.m. and the tenant called in at 9:32 a.m. The tenant disconnected from the hearing without warning at 9:36 a.m. and did not call back. The hearing ended at 9:41 a.m.

The landlord confirmed that he had permission to represent "landlord JB," the other landlord-respondent named in this application, who did not attend this hearing (collectively "landlords"). He said that both he and landlord JB were owners of the rental unit. He confirmed the rental unit address.

At the outset of this hearing, I informed both parties that Rule 6.11 of the Residential Tenancy Branch ("RTB") *Rules of Procedure* ("*Rules*") does not permit recording of this hearing by anyone. Both the landlord and tenant separately affirmed, under oath, that they would not record this hearing.

I explained the hearing process to both parties. Both parties had an opportunity to ask questions. Neither party made any adjournment or accommodation requests.

The landlord confirmed receipt of the tenant's application for dispute resolution hearing package. In accordance with sections 89 and 90 of the *Act*, I find that both landlords were duly served with the tenant's application.

At the outset of this hearing, the tenant stated that he vacated the rental unit on July 31, 2021. The landlord stated that he did not require an order of possession against the tenant because the landlords already took back possession of the rental unit. I informed the tenant that this portion of his application was dismissed without leave to reapply. The tenant said that he wanted to pursue this claim because he did not think the landlords' intentions were good. I notified him that he had already moved out prior to the hearing, so I would not examine the 2 Month Notice at this hearing. The tenant became upset and stated: "this is pointless."

The tenant stated that he wanted to pursue his monetary application for the \$100.00 filing fee. I informed him that I would make a decision regarding the filing fee, which is awarded by an Arbitrator usually when a party is successful after a full hearing.

The tenant said that he wanted to pursue his monetary application of \$875.76 for lost wages, for having to prepare for and attend this arbitration. I informed him that parties were not entitled to lost wages related to hearing preparation or attendance. I notified him that the only hearing-related fees recoverable under section 72 of the *Act*, were for filing fees. After I informed the tenant of the above information, he disconnected from the hearing and did not call back.

Rule 7.4 of the RTB *Rules* states the following:

7.4 Evidence must be presented

Evidence must be presented by the party who submitted it, or by the party's agent.

As the tenant did not present or pursue his application for \$69.00 for a disputed rent increase, this claim is dismissed without leave to reapply.

As the tenant was unsuccessful in this application and I was not required to make a decision after a full hearing on the merits of the tenant's application, the tenant's claim to recover the \$100.00 filing fee is dismissed without leave to reapply.

Conclusion

The tenant's entire application is dismissed 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 20, 2021

Residential Tenancy Branch