



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RPP, MNDC

Introduction, Preliminary and Procedural Matters-

This telephone conference call hearing was convened as the result of the tenant's application for dispute resolution seeking remedy under the Residential Tenancy Act (Act) for:

- an order requiring the landlord to return his personal property; and
- compensation for a monetary loss or other money owed.

The hearing began at 1:30 p.m. Pacific Time on Tuesday, October 5, 2021, as scheduled and the telephone system remained open and was monitored for 10 minutes. During this time, the tenant did not call into the hearing; however, the landlord was present and ready to proceed with the hearing.

The landlord said that they had not been served with the tenant's application for dispute resolution and only became aware of the hearing when receiving an email reminder from the Residential Tenancy Branch (RTB).

Rules 7.3 and 7.4 of the RTB Rules of Procedure 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.

7.4 Evidence must be presented

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

If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

Accordingly, in the absence of any evidence or submissions from the tenant, I order the application 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: October 5, 2021

Residential Tenancy Branch