



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI, RP, RR, MNDCT, OLC, PSF, LRE

Introduction

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

- an order for \$2,400.00 for a disputed additional rent increase, pursuant to section 43;
- an order requiring the landlord to make repairs to the rental unit, pursuant to section 32;
- an order allowing the tenant to reduce rent of \$1,500.00 for repairs, services or facilities agreed upon but not provided, pursuant to section 65;
- a monetary order for \$4,000.00 for compensation under the *Act*, *Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement, pursuant to section 67;
- an order requiring the landlord to comply with the *Act*, *Regulation* or tenancy agreement, pursuant to section 62;
- an order requiring the landlord to provide services or facilities required by law, pursuant to section 65; and
- an order to suspend or set conditions on the landlord's right to enter the rental unit, pursuant to section 70.

While the respondent landlord and owner of the rental unit attended the hearing by way of conference call, the applicant tenant did not, although I waited until 11:12 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 11:00 a.m.

I monitored the teleconference line throughout this hearing. I confirmed that the correct call-in numbers and participant codes had been provided in the new Notice of Hearing. I also confirmed from the teleconference system that the landlord, owner, and I were the only people who called into this teleconference.

At the outset of this hearing, I informed the landlord and owner that recording of this hearing was not permitted by anyone, as per Rule 6.11 of the Residential Tenancy Branch ("RTB") *Rules of Procedure* ("Rules"). They both affirmed, under oath, that they would not record this hearing.

At the outset of this hearing, I explained the hearing process to the landlord and owner. They had an opportunity to ask questions. They did not make any adjournment or accommodation requests. The owner confirmed that she owns the rental unit and that the landlord named in this application is authorized as her agent.

The owner said that a previous RTB hearing for this application occurred in June 2021. This application was heard at the RTB by a different Arbitrator on June 21, 2021, after which a decision of the same date was issued by that Arbitrator. That previous decision granted the tenant's request to adjourn her application to allow her to serve the landlord with her application and evidence, as the tenant was unable to provide documentary proof of service at that hearing. The owner stated that she did not receive a copy of the tenant's application for dispute resolution or evidence from the tenant. The owner confirmed receipt of the new notice of hearing directly from the RTB, adjourning the application to this new hearing date of October 8, 2021, at 11:00 a.m. She stated that the tenant moved out of the rental unit.

Rule 7.3 of the RTB *Rules* 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.

In the absence of any appearance by the tenant, I order the tenant's entire application dismissed without leave to reapply. I informed the landlord and owner of my decision during this hearing. They confirmed their understanding of same.

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 08, 2021

Residential Tenancy Branch