



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Code: MNETC

Introduction

The applicant sought compensation pursuant to section 51 of the Residential Tenancy Act ("Act").

Only the applicant attended the first hearing on December 3, 2021. The hearing was adjourned to January 20, 2022 for the purpose of giving the applicant an opportunity to (1) serve the respondent with a new Notice of Dispute Resolution Proceeding, and (2) serve the respondent with any evidence on which the applicant intended to rely. (See Interim Decision dated December 3, 2021 for further information.)

At the hearing on Thursday, January 20, 2022 at 11:00 AM, only the respondent attended. The applicant did not at any point in the short hearing dial-in.

Preliminary Issue: Non-Attendance of Applicant, Etc.

The respondent explained that he was only made aware of this application and the hearing through a third party. The third party knows the applicant and apparently the applicant had been bragging about suing the respondent for \$10,000. The respondent further explained that at no point had the applicant ever served him any Notice of Dispute Resolution Proceeding or any of the applicant's evidence. Indeed, the respondent had to call the Residential Tenancy Branch to obtain the dial-in information for today's hearing. Last, the respondent explained that he does not own the property in question and that he only rents a room. In other words, the respondent is not, despite the applicant's naming him as such, a landlord for the purposes of the Act.

It should also be noted that the applicant did not submit any documentary evidence in advance of this hearing showing that he ever served the respondent with either the Notice of Dispute Resolution Proceeding or any of his evidence. An applicant bears the onus of proving that they served a respondent with this notice and their evidence.

Given the above, and, most importantly, taking into account the applicant's failure to attend the hearing, it is my finding that the applicant's application for dispute resolution shall be dismissed without leave to reapply.

This decision is made on delegated authority under section 9.1(1) of the Act.

Dated: January 20, 2022

Residential Tenancy Branch