



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Colyvan Pacific Property Management
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes **OLC, FFT, MNDCT**

Introduction

This hearing dealt with an application filed by the tenant pursuant the *Residential Tenancy Act* (the “Act”) for:

- An order for the landlord to comply with the Act, regulations or tenancy agreement pursuant to section 62;
- Authorization to recover the filing fee from the other party pursuant to section 72; and
- A monetary order for damages or compensation pursuant section 67.

The tenant did not attend this hearing, although I left the teleconference hearing connection open until 9:40 a.m. to enable the tenant to call into this hearing scheduled for 9:30 a.m. 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 the landlords and I were the only ones who had called into this teleconference.

The landlord SL attended the hearing accompanied by the co-owner of the rental unit, FL. The corporate landlord, named in the tenant’s application, was represented at the hearing by its counsel, KM, accompanied by two representatives, CV and TH. The corporate landlord advised they received the tenant’s Notice of Dispute Resolution Proceedings however no evidence was given to them. The landlord SL did not advise whether he was served with the tenant’s Notice of Dispute Resolution Proceedings.

Background and Evidence

The tenant did not attend this hearing to present any evidence regarding the merits of his application.

Analysis

The Residential Tenancy Branch Rules of Procedure state:

7.1 Commencement of the dispute resolution hearing

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

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.

The tenant did not attend the hearing which was scheduled by conference call at 9:30 a.m. As he did not attend, he did not present evidence regarding the merits of his claim for me to consider, or satisfy me that on a balance of probabilities, the facts occurred as claimed.

Consequently, I dismiss the tenant's application without leave to reapply.

As the tenant's claim was not successful, the tenant's filing fee will not be recovered.

Conclusion

This 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: February 22, 2022

Residential Tenancy Branch