



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNDCT RPP

Introduction

The applicant tenant applied for compensation pursuant to section 67 of the *Residential Tenancy Act* ("Act"). In addition, the tenant applied for an order that the landlord return the tenant's personal property, pursuant to section 65(1)(e) of the Act.

Preliminary Issue: Non-Attendance of Applicant

A dispute resolution hearing was convened at 1:30 PM on Friday, March 11, 2022. The landlord and her husband dialed into the hearing on time. However, the tenant did not dial into the hearing and the hearing was concluded at 1:40 PM.

As the onus to prove their case falls on the applicant, the non-attendance of the tenant therefore means that they have not proven their case. Accordingly, it follows that the tenant's application must be dismissed.

Conclusion

The application is dismissed, without leave to reapply.

This decision is made on delegated authority under section 9.1(1) of the Act. A party's right to appeal the decision is limited to grounds under section 79 of the Act or by way of an application under the *Judicial Review Procedure Act*, RSBC 1996, c. 241.

Dated: March 11, 2022

Residential Tenancy Branch