



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP, FFT

Introduction

The Tenant applies for the following relief under the *Residential Tenancy Act* (the “Act”):

- An order for emergency repairs pursuant to s. 33; and
- Return of her filing fee pursuant to s. 72.

R.G. appeared as the respondent Landlord. C.B. also appeared as the Landlord’s witness, however, he was not called as a witness and did not provide any evidence.

The applicant Tenant did not attend, nor did anyone appear on her behalf.

Dismissal of Tenant’s Application

Pursuant to Rule 7.1 of the Rules of Procedure, the hearing began as scheduled in the Notice of Dispute Resolution at 9:30 AM on March 18, 2022. I confirmed that the correct dial-in numbers and codes were provided within the Notice of Dispute Resolution.

Rule 7.3 of the Rules of Procedure states:

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.

As the Tenant did not attend the hearing, it was conducted in their absence. After waiting on the line with the Landlord for 10 minutes, the hearing was concluded without submissions from either party on the substantive issues in the Tenant’s application.

As is made clear by Rule 6.6 of the Rules of Procedure, the onus is on the applicant Tenant to make out their claim. By failing to attend the hearing, I find that the Tenant has failed to prove their claim. I hereby dismiss the application **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: March 18, 2022

Residential Tenancy Branch