



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding VANCOUVER NATIVE HOUSING
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes DRI

Introduction

This hearing dealt with an Application for Dispute Resolution (the Application) filed by the Tenant on October 25, 2021, under the *Residential Tenancy Act* (the Act), seeking:

- To dispute a rent increase that is above the amount allowed by law.

The hearing was convened by telephone conference call at 11:00 A.M. (Pacific Time) on March 7, 2022, and was attended by an agent for the Landlord A.S. (the Agent), who provided affirmed testimony. The Tenant did not attend. The Notice of Dispute Resolution Proceeding (NODRP) states the date and time of the hearing, that the hearing will be conducted by telephone conference call, and provides the phone number and access code for the hearing. It also instructs participants that they are to call into the hearing themselves no more than five minutes before the start of the hearing. I confirmed that the details shown in the Notice of Dispute Resolution Proceeding were correct and I note that the Agent was able to attend the hearing promptly using the information contained in the courtesy copy of the NODRP that they received from the Residential Tenancy Branch (the Branch).

Although the Agent stated that the Tenant never served them with a copy of the NODRP as required, and that they only received a courtesy copy from the Branch after contacting the Branch in response to an auto-generated email, the Agent none the less attended the hearing at the scheduled time, ready to proceed.

Despite the lack of service of the NODRP on the Landlord or their agents by the Tenant, the Agent was able to obtain a copy of the NODRP from the Branch, attended the hearing on time, and expressed their desire to continue with the proceeding as scheduled. The Landlord was therefore provided the opportunity to present their

evidence orally and in written and documentary form, and to make submissions at the hearing. Although the line remained open for 13 minutes, neither the Tenant nor an agent acting on their behalf appeared to provide evidence or testimony for my consideration. Although the Agent had uploaded documentary evidence to the Dispute Access Site, they stated at the hearing that it was not serve don the Tenant. As a result, I have not considered it.

I have reviewed all evidence and testimony before me that was accepted for consideration in this matter in accordance with the Residential Tenancy Branch Rules of Procedure (the Rules of Procedure), however, I refer only to the relevant and determinative facts, evidence, and issues in this decision.

Rule 7.1 of the Rules of Procedure states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. As the Agent and I attended the hearing on time and ready to proceed and there was no evidence before me that the parties had agreed to reschedule or adjourn the matter, I commenced the hearing as scheduled. Rule 7.3 of the Rules of Procedure states that 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 reapply. Neither the Tenant nor an agent acting on their behalf attended the hearing to present any evidence or testimony for my consideration regarding the Tenant's Application. Further to this, the Agent stated that no rent increase above the amount allowed by law has been imposed on the Tenant, who resides in subsidized housing. I therefore dismiss the Tenant's Application seeking to dispute a rent increase that is above the amount allowed by law, 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 7, 2022

Residential Tenancy Branch