



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Macdonald Realty Westmar
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNL-MT, MNDCT, RR, OLC

Introduction

The Tenant filed two Applications for Dispute Resolution, on December 28, 2021 and January 7, 2022. They sought recovery of money owed, a cancellation of the Landlord's notice to end the tenancy, a reduction in rent, and the Landlord's compliance with the legislation and/or tenancy agreement.

The matter proceeded by way of a hearing pursuant to s. 74(2) of the *Residential Tenancy Act* (the "Act") on April 4, 2022. In the conference call I explained the process and provided the attending party – the former Landlord – the opportunity to ask questions on the matter.

The Landlord stated they did not receive notice of the Tenant's Applications directly from the Tenant. As a reminder from the Residential Tenancy Branch, they received a reminder on evidence deadlines on March 21, 2022. That prompted them to prepare evidence of their own on what they discovered of the Tenant's claims.

The Landlord confirmed the Tenant moved out from the rental unit on January 22, 2022. This required the services of a bailiff to enforce the Order of Possession granted to the Landlord on January 4, 2022. Additionally, the Landlord served a Monetary Order to the Plaintiff from the same prior hearing.

The Tenant did not attend the hearing, although I left the teleconference hearing connection open until 9:43am to enable them to call in to this teleconference hearing scheduled for 9:30am.

Rule 7.3 of the *Residential Tenancy Branch Rules of Procedure* provides that if a party or their agent fails to attend the hearing, the arbitrator may conduct the hearing in the absence of that party or dismiss the application without leave to re-apply.

Conclusion

As the applicant Tenant did not attend to present their Applications, I dismiss these two Applications in their entirety without leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under s. 9.1(1) of the *Act*.

Dated: April 4, 2022

Residential Tenancy Branch