



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDCT

### Applicant's Non-Attendance

The Tenant applies for an order under s. 67 of the *Residential Tenancy Act* (the "Act") for monetary loss or other money owed.

J.L. appeared as the Landlord. The Tenant did not appear, nor did someone appear on their behalf.

The Landlord affirmed to tell the truth during the hearing. I advised of Rule 6.11 of the Rules of Procedure, in which the participants are prohibited from recording the hearing. The Landlord confirmed that he was not recording the hearing. I further advised that the hearing was recorded automatically by the Residential Tenancy Branch.

Pursuant to Rule 7.1 of the Rules of Procedure, the hearing began as scheduled in the Notice of Dispute Resolution at 1:30 PM on May 19, 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 aspects of 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 prove their claim on a balance of probabilities. By failing to attend the hearing to make submissions in support of their application, 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: May 19, 2022

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Residential Tenancy Branch