



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 an order for emergency repairs to the rental unit pursuant to s. 33 of the *Residential Tenancy Act* (the “Act”). The Tenant also seeks the return of their filing fee pursuant to s. 72.

J.S. appeared as agent for the Landlord. The Tenant did not attend, nor did someone attend on their behalf.

The Landlord’s agent 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’s agent confirmed that she 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 11:00 AM on May 5, 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 the following:

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’s agent for 10 minutes, the hearing was concluded

without submissions from either party on the substantive issues in the Tenant's application.

The Landlord's agent did advise, however, that the Tenant vacated the rental at the end of March 2022. The Landlord's agent further advised that they did not receive notice of the hearing from the Tenant, rather obtaining the information for the hearing directly from the Residential Tenancy Branch after the Landlord received an automatic email reminder sent to them by the Residential Tenancy Branch.

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 05, 2022

Residential Tenancy Branch