



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **MNDL, FFL**

Introduction

This hearing dealt with an application by the landlord under the *Residential Tenancy Act* (the *Act*) for the following:

- A monetary order for unpaid rent and for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* (“*Regulation*”) or tenancy agreement pursuant to section 67 of the *Act*;
- Authorization to recover the filing fee for this application pursuant to section 72.

The hearing began on April 28, 2022 and was adjourned to today on the conditions in my Interim Decision of that day. This matter was set to reconvene by telephone conference.

FC and advocate DG attended for the tenants (“the tenant”).

The tenant had opportunity to provide affirmed testimony, present evidence and make submissions. The hearing process was explained.

The landlord did not attend.

I kept the teleconference line open from the scheduled time for the hearing for an additional 10 minutes to allow the landlord the opportunity to call. The teleconference system indicated only the tenant and I had called into the hearing. I confirmed the correct call-in number and participant code for the landlord was provided.

Rule 7.3 of the Rules of Procedure provides as follows:

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 reapply.

The tenant submitted a copy of an email from the landlord stating they were withdrawing their application.

As the applicant did not attend the hearing and in the absence of any evidence or submissions, I order the landlord's application dismissed without leave to reapply.

Conclusion

I order the application dismissed 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: June 03, 2022

Residential Tenancy Branch