



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes RR, FFT, RP

Introduction

The Tenant applies for the following relief under the *Residential Tenancy Act* (the “Act”):

- An order pursuant to s. 65 for a rent reduction; and
- Return of their filing fee pursuant to s. 72.

The Tenant also filed an amendment in which they seek an order for repairs under s. 32 of the *Act*.

L.H. appeared as agent for the Landlord as its agent. 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 they were not recording the hearing. I further advised that the hearing was recorded automatically by the Residential Tenancy Branch.

The Landlord’s agent acknowledged receipt of the Tenant’s application and evidence. I find that the Tenant’s application materials were sufficiently served on the Landlord pursuant to s. 71(2) of the *Act*.

Pursuant to Rule 7.1 of the Rules of Procedure, the hearing began as scheduled in the Notice of Dispute Resolution at 9:30 AM on June 24, 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's agent for 10 minutes, the hearing was concluded without submissions from either party on the substantive issues in the Tenant's application.

As is made clear by Rule 6.6 of the Rules of Procedure, the onus is on the Tenant as the applicant 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: June 24, 2022

Residential Tenancy Branch