



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OLC

### Introduction

The Tenant seeks an order under s. 62 of the *Residential Tenancy Act* (the “Act”) that the Landlord comply with the Act, Regulations, and/or the tenancy agreement.

L.A. and S.S. appeared as agents for the Landlord. The Tenant did not attend the hearing, nor did someone attend on their behalf.

The parties 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 parties confirmed that they were 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 9:30 AM on July 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:

### **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 agents for 10 minutes, the hearing was concluded without submissions from either party on the substantive issue in the Tenant's application. The Landlord’s agents advised that the Landlord was not served with the

Tenant's application materials and received notice of the hearing directly from 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: July 05, 2022

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Residential Tenancy Branch