



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP FFT

Introduction

This hearing dealt with an Application for Dispute Resolution (application) by the tenant seeking remedy under the *Residential Tenancy Act* (Act) for emergency repairs and to recover the cost of the filing fee.

The tenant was provided with a copy of the Notice of a Dispute Resolution Proceeding dated August 18, 2022 (Notice of Hearing) when they made their application. The tenant, however, did not attend the hearing set for this date, Tuesday, September 6, 2022 at 9:30 a.m. Pacific Time. The phone line remained open for 10 minutes and was monitored throughout this time. The only person to call into the hearing was landlord, JW (landlord).

Conclusion

Residential Tenancy Branch (RTB) Rules of Procedure (Rules) 7.1, 7.3 and 7.4 apply and state:

7.1 Commencement of the dispute resolution hearing

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

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.

7.4 Evidence must be presented

Evidence must be presented by the party who submitted it, or by the party's agent.

If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

Given the above and following the 10-minute waiting period, the application of the tenant was **dismissed without leave to reapply**. This decision does not extend any applicable time limits under the Act. The respondent, JW, attended the hearing, yet the applicant tenant did not attend the hearing to present the merits of their application.

Given the above, I do not grant the tenant their filing fee as they failed to attend the scheduled hearing.

This decision will be emailed to both parties at the email address confirmed by the landlord and the email address for the tenant provided in their application.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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: September 6, 2022

Residential Tenancy Branch