



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **PSF OLC**

Introduction

This hearing was convened as a result of the Tenant's application for dispute resolution ("Application") under the *Residential Tenancy Act* ("Act") in which the Tenant seeks:

- an order for the Landlord to provide services or facilities required by the tenancy agreement or by law pursuant to section 65; and
- an order for the Landlord to comply with the Act, the *Residential Tenancy Regulations* and/or the tenancy agreement under section 62 of the Act.

This matter was set for hearing by telephone conference call at 11:00 am on October 25, 2022. The Tenant did not attend this hearing. The teleconference line remained open while the phone system was monitored and the Tenant did not call into the hearing by the time the hearing ended at 11:11 am. The Landlord's agent ("DS") attended the hearing and she was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding ("NDRP"). I also confirmed from the teleconference system that DS and I were the only ones who had called into this teleconference.

DS stated the Tenant did not serve the NDRP on the Landlord. DS stated the Landlord received an email from the Residential Tenancy Branch ("RTB") advising the deadline for the submission of evidence was approaching. DS stated she called the RTB and was provided with a courtesy copy of the NDRP. Based on the undisputed testimony of DS, I find the Tenant did not serve the Landlord with NDRP in accordance with the requirements of section 89 of the Act.

DS stated the Tenant vacated the rental unit on June 30, 2022.

Rule 7.3 of the Residential Tenancy Branch *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.

As the Tenant did not attend the hearing by 11:11 am and in the absence of any evidence or submissions from the Tenant, I order the Application to be dismissed without leave to reapply. I make no findings on the merits of the matter. The issuance of this decision does not extend any applicable deadlines under the Act.

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: October 26, 2022

Residential Tenancy Branch