



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, OLC

Introduction

The Applicant filed an Application for Dispute Resolution (the “Application”) on July 5, 2022 seeking the landlord’s compliance with the legislation and/or the tenancy agreement, and compensation for monetary loss or other money owed. The matter proceeded by way of a hearing pursuant to s. 74(2) of the *Residential Tenancy Act* (the “Act”) on November 28, 2022.

The party attending the hearing, so named as the “Landlord” by the tenant on their Application, stated they received no notice of this hearing. They only received a reminder of the pending hearing from the Residential Tenancy Branch, and no copy of the Notice of Dispute Resolution Proceeding. The Applicant did not provide that document to the Respondent within the required timeline, within three days of its delivery to the Applicant from the Residential Tenancy Branch on July 20, 2022.

The Applicant did not attend the hearing, although I left the teleconference hearing connection open until 11:06am to enable them to call in to this teleconference hearing scheduled for 11:00am.

I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed throughout the duration of the call that the tenant was not in attendance.

Rule 7.3 of the Rules of Procedure provides that if a party or their agent fails to attend the hearing, the arbitrator may conduct the hearing in the absence of that party or dismiss the application without leave to reapply.

The Applicant requested compensation for a matter concerning a strata bylaw. This does not concern a strata corporation evicting a tenant, which is the only possible scenario where the *Act* may apply.

As per the *Residential Tenancy Policy Guideline 27. Jurisdiction*, revised November 2022, the Residential Tenancy Branch does not have jurisdiction to determine whether a strata bylaw or rule is legally valid.

In sum, the Applicant did not attend the hearing, did not notify the Respondent of this hearing, and I as a delegate of the Director have no jurisdiction to decide the subject matter of this dispute.

Conclusion

For the reasons above, I dismiss this Application in its entirety 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 *Act*.

Dated: November 28, 2022

Residential Tenancy Branch