



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes **MNETC FFT**

Introduction

This hearing was convened by way of conference call in response to an application for dispute resolution (“Application”) filed by the Tenant pursuant to the *Residential Tenancy Act* (the “Act”) in which the Tenant seeks:

- compensation from the Landlords related to a Notice to End Tenancy for Landlord’s Use of Property dated December 8, 2022 pursuant to section 51(2); and
- authorization to recover the filing fee for the Application from the Landlords pursuant to section 72.

The Tenant did not attend this hearing scheduled for 1:30 pm. I left the teleconference hearing connection open for the entire hearing, which ended at 1:40 pm, in order to enable the Tenant to call into this teleconference hearing. One of the two Landlords (“TA”) attended the hearing and 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 were provided in the Notice of Dispute Resolution Proceeding for the Application (“NDRP”). I also confirmed from the teleconference system that TA and I were the only ones who had called into this teleconference.

TA stated the Tenant did not serve the Landlords with the NDRP or any evidence. TA stated the Landlords knew about this hearing because they received an email from the Residential Tenancy Branch (“RTB”) to remind them that the evidence deadline was approaching and it provided the date of the hearing. The records of the RTB indicate TA phoned on January 11, 2023 to inquire about the hearing. Although the records of the RTB indicate a courtesy copy of the NDRP was email to the Landlords, TA says they did not receive it.

Preliminary Matter – Effect of Non-Attended by Tenants at Hearing

Rules 7.1, 7.3 and 7.4 of the *Residential Tenancy Branch Rules of Procedure* 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 the 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 Tenant did not attend the hearing before the hearing ended at 1:41 pm, being more than 10 minutes after of its commencement, the Application is dismissed with leave to reapply.

Conclusion

The Application is dismissed with 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: January 24, 2023

Residential Tenancy Branch