



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding DISCOVERY VILLAGE  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNDCT, OLC

### Introduction

This hearing dealt with the tenant's application, filed on September 8, 2022, pursuant to the *Residential Tenancy Act* ("Act") for:

- a monetary order of \$2,000.00 for compensation for damage or loss under the *Act*, *Residential Tenancy Regulation* ("Regulation") or tenancy agreement, pursuant to section 67; and
- an order requiring the landlord to comply with the *Act*, *Regulation* or tenancy agreement, pursuant to section 62.

The applicant tenant did not attend this hearing, which lasted approximately 11 minutes. The respondent landlord's agent attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

This hearing began at 9:30 a.m. and ended at 9:41 a.m. I monitored the teleconference line throughout this hearing. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlord's agent and I were the only people who called into this teleconference.

The landlord's agent provided her name and spelling. She provided her email address for me to send a copy of this decision to the landlord after the hearing.

The landlord's agent confirmed that the landlord company ("landlord") named in this application owns the rental unit. She provided the rental unit address. She stated that she is employed by the landlord as a property manager, and she had permission to represent the landlord at this hearing.

Rule 6.11 of the Residential Tenancy Branch (“RTB”) *Rules of Procedure* (“*Rules*”) does not permit recordings of any RTB hearings by any participants. At the outset of this hearing, the landlord’s agent affirmed, under oath, that she would not record this hearing.

I explained the hearing process to the landlord’s agent. She had an opportunity to ask questions. She did not make any adjournment or accommodation requests.

The landlord’s agent stated that she did not receive a copy of the tenant’s application for dispute resolution hearing package. She said that she found out about this hearing from an RTB email reminder.

#### Preliminary Issue – Dismissal of Tenant’s Application

Rule 7.3 of the RTB *Rules* states the following:

*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.*

In the absence of any appearance by the applicant tenant, I order the tenant’s entire application dismissed without leave to reapply. I informed the landlord’s agent of my decision verbally during this hearing. She confirmed her understanding of same.

#### Conclusion

The tenant’s entire application is dismissed 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: January 26, 2023

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Residential Tenancy Branch