



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNRL-S, FFL

### Introduction

The Landlord seeks the following relief under the *Residential Tenancy Act* (the “Act”):

- an order of possession pursuant to s. 55 after issuing a 10-Day Notice to End Tenancy signed on December 29, 2022;
- a monetary order pursuant to ss. 38 and 67 seeking compensation for unpaid rent by claiming against the deposit; and
- return of the filing fee pursuant to s. 72.

M.H. and B.H. appeared as the Tenants. The Landlord did not attend the hearing, nor did someone attend on their behalf.

The parties affirmed to tell the truth during the hearing. I advised of Rule 6.11 of the Rules of Procedure, in which the participants are prohibited from recording the hearing. I further advised that the hearing was recorded automatically by the Residential Tenancy Branch.

The Tenants acknowledge receipt of the Landlord’s Notice of Dispute Resolution. Based on its acknowledged receipt, I find that the pursuant to s. 71(2) of the *Act* that the Tenants were sufficiently served with the Landlord’s application.

### Landlord’s Non-Attendance

Pursuant to Rule 7.1 of the Rules of Procedure, the hearing began as scheduled in the Notice of Dispute Resolution at 9:00 AM on February 10, 2023. I confirmed that the correct dial-in numbers and codes were provided within the Notice of Dispute Resolution.

Rule 7.3 of the Rules of Procedure states:

**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.

As the Landlord did not attend the hearing, it was conducted in their absence. After waiting on the line with the Tenants for 10 minutes, the hearing was concluded without submissions from either party on the substantive issues in the Landlord's application.

As is made clear by Rule 6.6 of the Rules of Procedure, the onus is on the applicant Landlord to prove their claim on a balance of probabilities. By failing to attend the hearing to make submissions in support of their application, I find that the Landlord has failed to prove their claim. I hereby dismiss the application 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: February 10, 2023

---

Residential Tenancy Branch