



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes MNRL, MNDCL, FFL

Introduction and Preliminary Matters

On July 4, 2022, the Landlord applied for a Dispute Resolution proceeding seeking a Monetary Order for compensation pursuant to Section 67 of the *Residential Tenancy Act* (the “Act”) and seeking to recover the filing fee pursuant to Section 72 of the *Act*.

On July 18, 2022, this Application was set down for a Dispute Resolution Proceeding on March 23, 2023, at 1:30 PM.

All three Tenants attended the hearing; however, the Landlord did not attend at any point during the 11-minute teleconference. Tenant E.D. confirmed the correct spelling of her name, and the Style of Cause on the first page of this Decision has been amended accordingly. In addition, all parties in attendance provided a solemn affirmation.

Rule 7.1 of the Rules of Procedure stipulates that the hearing must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the hearing in the absence of a party and may make a Decision or dismiss the Application, with or without leave to re-apply.

I dialed into the teleconference at 1:30 PM and monitored the teleconference until 1:41 PM. Only the Tenants dialed into the teleconference during this time. 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 I was the only other person who had called into this teleconference.

As the burden of proof is on the party making the Application to substantiate the validity of their claims, and as the Landlord has not appeared at the hearing, I am not satisfied that the Landlord has properly corroborated the claims for compensation. As such, I find

that the Landlord's Application for Dispute Resolution has been abandoned, and the claims for compensation in this Application are dismissed without leave to reapply.

As the Landlord was not successful in his Application, I find that the Landlord is not entitled to recover the \$100.00 filing fee.

Conclusion

Based on the above, I dismiss the Landlord's Application for Dispute Resolution 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: March 23, 2023

Residential Tenancy Branch