



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing

## **DECISION**

Dispute Codes      **AAT LRE LAT OLC**

### Introduction

This hearing was convened by way of conference call in response to the Tenant's application for dispute resolution ("Application") under the *Residential Tenancy Act* (the "Act") in which the Tenant seeks:

- an order for the Landlord to allow the Tenant or the Tenant's guests to access the rental unit pursuant to section 30;
- an order to suspend or set conditions on the Landlord's right to enter the rental unit pursuant to section 70;
- an order to allow the Tenant to change the locks to the rental unit pursuant to section 31; and
- an order for the Landlord to comply with the Act, *Residential Tenancy Regulations* and/or tenancy agreement.

The Tenant did not attend this hearing scheduled for 9:30 am. I left the teleconference hearing connection open for the entire hearing, which ended at 9:43 am, in order to enable the Tenant to call into this teleconference hearing. An agent ("KK") for the Landlord 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. I also confirmed from the teleconference system that KK and I were the only ones who had called into this teleconference.

Preliminary Matter – Effect of Non-Attended by Tenant 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 9:43 am, being more than 10 minutes after of its commencement, the Application is dismissed without leave to reapply.

Conclusion

The 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: May 9, 2023

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Residential Tenancy Branch