



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes CNR, MNRT, RPP, OLC

Introduction

The Tenant applied for dispute resolution (“Application”) and seeks the following:

- an order canceling a 10 Day Notice to End Tenancy for Unpaid Rent (the “Notice”) pursuant to section 46(4)(b) of the *Residential Tenancy Act* (the “Act”);
- compensation for the cost of emergency repairs under section 33 of the Act;
- for the Landlord to return personal property under sections 65 and 67 of the Act; and
- for the Landlord to comply with the Act, regulation or the tenancy agreement under section 62 of the Act.

The Tenant attended the hearing and affirmed to tell the truth during the hearing. The Tenant was given a full opportunity to be heard, to present affirmed testimony, to call witnesses, and make submissions.

Although I waited until 9:40 A.M. to enable the Respondent Landlord to connect with this teleconference hearing scheduled for 9:30 A.M., the Landlord did not attend.

I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Dispute Resolution Proceeding. During the hearing, I also confirmed from the online teleconference system that the Tenant and I were the only parties who had called into this teleconference.

Rule 7.1 of the *Rules of Procedure* states that a hearing will commence at the scheduled time, unless otherwise set by the Arbitrator.

Rule 7.3 of the *Rules of Procedure* states that if a party or their agent fails to attend the hearing, the arbitrator may conduct the hearing in the absence of that party or dismiss the application with or without leave to reapply.

Accordingly, the hearing proceeded in the absence of the Landlord.

The Tenant testified that they did not serve the Landlord with the Notice of Dispute Resolution Package (the “Materials”). The Tenant was required to serve the Materials on the Landlord within three days of them being made available by the Residential Tenancy Branch, pursuant to section 59(3) of the Act and rule 3.1 of the *Rules of Procedure*.

Given that the Tenant’s Application was not served to the Landlord and therefore the Landlord had no notice of the Application, the Tenant’s Application is dismissed with leave to reapply. Leave to reapply is not an extension of timeline to apply.

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 Act.

Dated: May 08, 2023

Residential Tenancy Branch