

DECISION

Introduction

This hearing was convened as a result of the Landlord's application under section 43 of the *Residential Tenancy Act* (the "Act") and section 23.1 of the Residential Tenancy Regulation for an additional rent increase for capital expenditures.

One of the Tenants, LL, attended this hearing.

No one attended this hearing on behalf of the Landlord. I left the teleconference hearing connection open until 11:10 am in order to enable the Landlord to call into the hearing scheduled to start at 11:00 am. I confirmed that the correct call-in numbers and participant access code had been provided in the notice of dispute resolution proceeding. I used the teleconference system to confirm that LL and I were the only ones who had called into the hearing.

Preliminary Matter: Landlord's Non-attendance

Rules 7.1, 7.3, and 7.4 of the Residential Tenancy Branch Rules of Procedure state:

7.1 Commencement of the hearing

The hearing must commence at the scheduled time unless otherwise decided by the arbitrator.

7.3 Consequences of not attending the hearing

The arbitrator may conduct the hearing in the absence of a 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.

The Landlord did not attend this hearing for their own application. In the absence of anyone to present the Landlord's evidence, I decline to consider any written materials submitted by the Landlord, and I dismiss this application without leave to re-apply.

Conclusion

This application is dismissed without leave to re-apply.

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: February 8, 2024

Residential Tenancy Branch