



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

FINAL DECISION

Dispute Codes:

MNDC, FF

Introduction

This reconvened hearing was scheduled in response to the tenants' Application for Dispute Resolution, in which the tenant has requested compensation for damage or loss under the Act. The initial hearing held on September 26, 2016 was adjourned to November 22, 2016.

The landlord (who I will refer to as "respondent") attended at the 9:00 a.m. scheduled start time of the conference call hearing.

The respondent, A.S., provided affirmed testimony that the original hearing documents were not served to the correct address and that the only documents received were the interim decision and the notice of reconvened hearing. Those documents were sent to the respondents past work address; that business forwarded the documents to the respondent.

The applicant did not include the suite number for the address used for service and the interim decision and hearing documents were returned to the Residential Tenancy Branch by Canada Post. The suite number was located and the mail was re-sent to the respondent. The respondents' past employer received the mail and forwarded the mail to the respondents current employment address.

A.S. stated that the tenant has named the wrong individual as respondent. A.S. acted as a realtor, for her grandfather who owned the rental building. A.S. did not act as agent for tenancies; A.S. had the listing, for sale of the building.

I note that the tenant did not supply a copy of the monetary order worksheet to the Residential Tenancy Branch, as requested in the interim decision.

Residential Tenancy Branch Rules of Procedure provides:

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 that party, or dismiss the application, with or without leave to re-apply.

In the absence of an appearance of the applicant by 9:11 a.m. this application is abandoned and dismissed with leave to reapply within the legislated time limit. The tenant has leave to reapply, as the identity of the respondent is in question.

Conclusion

The application is dismissed with leave to reapply within the legislated time limit.

This decision is final and binding and 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: November 22, 2016

Residential Tenancy Branch