



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL-S, FFL

Introduction

This teleconference hearing was scheduled in response to an application by the Landlord under the *Residential Tenancy Act* (the “Act”) for monetary compensation for unpaid rent, and for the recovery of the filing fee paid for this application.

One of the Tenants was present for the teleconference hearing while no one called in for the Landlord during the approximately 10 minutes that the teleconference line remained open.

The Tenant confirmed that the Notice of Dispute Resolution Proceeding package and a copy of the Landlord’s evidence was served to her in person. The Tenants did not submit any documentary evidence prior to the hearing.

Issues to be Decided

Is the Landlord entitled to monetary compensation for unpaid rent?

Should the Landlord be awarded the recovery of the filing fee paid for the Application for Dispute Resolution?

Background and Evidence

As this was the Landlord’s Application for Dispute Resolution, the hearing did not continue in the absence of the Landlord.

Analysis

Rule 7.3 of the *Residential Tenancy Branch Rules of Procedure* states that in the absence of a party, the hearing may continue in their absence, or the application may be dismissed. As stated by rule 6.6 of the *Rules of Procedure*, the onus to prove a claim is on the party making the claim. Therefore, the hearing was not able to continue in the absence of the Landlord.

The teleconference line was kept open for 10 minutes to provide an opportunity for the Landlord to call in. No one called in for the Landlord during this time.

As such, I dismiss the Application for Dispute Resolution, without leave to reapply.

Conclusion

The Application for Dispute Resolution 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: November 26, 2018

Residential Tenancy Branch