



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNDCT RR

Introduction

In this dispute, the tenant sought compensation pursuant to section 67 of the *Residential Tenancy Act* (the “Act”) and a reduction of rent under section 65 of the Act.

The tenant applied for dispute resolution on July 1, 2020 and a dispute resolution hearing was held, by way of teleconference, on Thursday, July 30, 2020 at 9:30 AM. The landlord and his wife attended the hearing promptly at 9:28 AM. Neither the tenant nor their agent attended the hearing, which ended at 9:43 AM.

Preliminary Issue: Non-Attendance of Applicant Tenant

The standard of proof in a dispute resolution hearing is on a balance of probabilities, which means that it is more likely than not that the facts occurred as claimed. The onus, or responsibility, to prove their case is on the person making the claim.

The tenant's claim was for a substantial amount of compensation and a reduction in rent. They and their agent failed to attend the hearing to prove their case. As such, I find on a balance of probabilities that the tenant has not met the onus of proving their claim. I therefore dismiss their application without leave to reapply. In other words, the tenant and/or their agent are barred from filing any further applications for dispute resolution against the landlord, under the Act.

Conclusion

I dismiss the tenant's application, without leave to reapply.

This decision is final and binding, except where otherwise permitted under the Act, and is made on authority delegated to me under section 9.1(1) of the Act.

Dated: July 30, 2020

Residential Tenancy Branch