



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenant to have emergency repairs made to the rental unit.

This matter was set for hearing by telephone conference call at 9:30 A.M on this date. The line remained open while the phone system was monitored for twenty minutes and the only participant who called into the hearing during this time was the landlord. Therefore, as the tenant did not attend the hearing by 9:50 A.M, and the landlord appeared and was ready to proceed, **I dismiss the tenant's claim without leave to reapply.**

The landlord stated that the tenant filed a previous application for emergency repairs which was heard on June 1, 2020 and failed to attend that hearing. The landlord stated that the tenant has vacated the rental unit, leaving the rental unit vandalized. The landlord was informed if the tenant vandalized the rental unit this could be a police matter and they are entitled to make an application for dispute resolution to recover the cost of the damage that was caused by the action of the tenant.

In this case, the tenant has made a second application for emergency repairs. This is the second application the tenant failed to appear. The tenant should have cancelled this hearing if they were not proceeding with their application.

Further, the details of dispute in their application do not support that any emergency repairs were required to the rental unit. I find the tenant's application is an abusive of the process.

I caution the tenant that if they continue to make frivolous application in the future that they could be subject to an administrative penalty, which could be up to \$5,000.00 for each violation.

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: August 27, 2020

Residential Tenancy Branch