



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Code: OPT

Introduction

The tenant sought an order of possession pursuant to section 54 of the *Residential Tenancy Act* ("Act"). He filed an application for dispute resolution on December 7, 2020 and a hearing was held on Tuesday, December 29, 2020 at 9:30 AM. Only the landlord's agent attended the hearing, which ended at 9:40 AM.

I confirmed the correct spelling of the landlord's name and made a correction to the application. Further, as the second named tenant in the application was not a party to the tenancy agreement, I have removed her name from the application.

Preliminary Issue: Non-Attendance of Applicant

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 to prove their case is on the person making the claim.

As the tenant did not attend the hearing to present his case, he has therefore not proven his claim. I dismiss the tenant's application, without leave to reapply.

This decision is made on authority delegated to me under section 9.1(1) of the Act.

Dated: December 29, 2020

Residential Tenancy Branch