



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CIVIC METRO CONSULTING
INC. and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDCT

Introduction

This hearing was convened as a result of the Tenant's Application for Dispute Resolution ("Application") under the *Residential Tenancy Act* ("Act"), for a monetary order for damage or compensation under the Act of \$1,200.00.

Counsel for the Landlord, C.S. ("Counsel"), appeared at the teleconference hearing, but no one attended on behalf of the Tenant. Counsel advised me that the Parties had settled their issues; therefore, there is no longer a need for the hearing. Counsel did not believe that the Tenant would call in, as he has already vacated the rental unit, and the issues between the Parties are now settled. As a courtesy to the Tenant, the phone line remained open for over ten minutes and was monitored throughout this time. The only person to call into the hearing besides me was Counsel.

The Tenant did not withdraw his Application with the Residential Tenancy Branch ("RTB") or attend the hearing to give instructions in this regard. RTB Rule of Procedure ("Rules") 5.0.1 addresses withdrawing an application for dispute resolution. It sets out the means by which an applicant can withdraw an application. I have the Landlord's consent to withdraw this matter, since Counsel attended the hearing, however, without the Tenant's instruction in this regard, I find that I must dismiss the matter pursuant to section 62 of the Act.

Rule 7.3 states that 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 reapply. The teleconference line remained open for ten minutes; however, neither the Applicant nor an agent acting on his behalf attended to provide any evidence or testimony for my consideration. As a result, and pursuant to Rule 7.3, I **dismiss the Tenant's Application without leave to reapply.**

Conclusion

The Tenant's Application is dismissed without leave to reapply, as the Tenant or an Agent for the Tenant did not attend the hearing to present the merits of the Application. The Respondent Landlord's Counsel did attend the hearing.

This Decision does not extend any applicable time limits under the Act.

This Decision will be emailed to the address provided by the Tenant in the Application and to the email address provided by Counsel in the hearing.

This Decision is final and binding on the Parties, except as otherwise provided under the Act, 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: October 21, 2021

Residential Tenancy Branch