Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   ET, FFL

Introduction

The Landlord applies to end the tenancy early pursuant to s. 56 of the *Residential Tenancy Act* (the "*Act*") and for return of their filing fee pursuant to s. 72.

J.L. attended on his own behalf as the Tenant. The Landlord did not appear nor anyone appear on their behalf.

The hearing began as scheduled at 9:30 AM on today's date in accordance with Rule 7.1 of the Rules of Procedure. I confirmed that the correct dial-in numbers and codes were provided within the Notice of Dispute Resolution. Rule 7.3 of the Rules of Procedure states:

> **7.3   Consequences of not attending the hearing**
>
> 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 re-apply.

The hearing was conducted in the absence of the Landlord. After waiting on the line with the Tenant for 10 minutes, the hearing was concluded without submissions from either party.

As is made clear by Rule 6.6, the onus is on the Landlord, as the applicant, to make out their claim. By failing to attend the hearing, the Landlord has failed to make out their claim. I hereby dismiss the application **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: October 05, 2021

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Residential Tenancy Branch