



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding bclMC Realty Corporation and [tenant
name suppressed to protect privacy]

DECISION

Dispute Codes MNDCL-S, MNDL-S, MNRL-S, FFL

This hearing dealt with an Application for Dispute Resolution (the Application) that was filed by the Landlord under the *Residential Tenancy Act* (the *Act*), seeking:

- Compensation for monetary loss or other money owed;
- Compensation for damage caused by the Tenant, their pets, or guests to the unit, site, or property;
- Recovery of unpaid rent;
- Recovery of the filing fee; and
- Authorization to withhold the Tenant's security deposit.

This matter was set for hearing by telephone conference call at 9:30 A.M. (Pacific Time) on November 18, 2021, and was attended by the Tenant, who provided affirmed testimony. Neither the Landlord nor an agent acting on their behalf attended. The Notice of Dispute Resolution Proceeding states the date and time of the hearing, that the hearing will be conducted by telephone conference call, and provides the phone number and access code for the hearing. It also instructs participants that they are to call into the hearing themselves no more than five minutes before the start of the hearing. I confirmed that the details shown in the Notice of Dispute Resolution Proceeding were correct and I note that the Tenant did not have difficulty attending the hearing on time. Although the line remained open while the phone system was monitored for more than 10 minutes, no participant called into the hearing on behalf of the Landlord during this time.

Rule 7.1 of the Residential Tenancy Branch Rules of Procedure (the Rules of Procedure) states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. As the Tenant, who is the respondent, and I attended the hearing on time and ready to proceed and there was no evidence before me that the parties had agreed to reschedule or adjourn the matter, I commenced the hearing as scheduled. Rule 7.3 of the Rules of Procedure 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. Further to this, rule 8.1 of the Rules of Procedure states that the arbitrator determines when the hearing has ended.

As neither the Landlord nor an agent acting on their behalf attended the hearing to provide evidence or testimony for my consideration in relation to the Landlord's Application within 10 minutes of the commencement of the hearing, I therefore concluded the hearing at 9:42 AM and dismissed the Landlord's 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: November 18, 2021

Residential Tenancy Branch