



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, MNDCT, RP, RR, PSF, FFT

Introduction

This hearing dealt with the tenant's application pursuant to the *Residential Tenancy Act* ("Act") for:

- an order requiring the landlords to comply with the *Act*, *Residential Tenancy Regulation* ("*Regulation*") or tenancy agreement, pursuant to section 62;
- a monetary order of \$13,875.00 for compensation under the *Act*, *Residential Tenancy Regulation* or tenancy agreement, pursuant to section 62;
- an order requiring the landlords to make repairs to the rental unit, pursuant to section 32;
- an order allowing the tenant to reduce rent for repairs, services, or facilities agreed upon but not provided, pursuant to section 65;
- an order requiring the landlords to provide services or facilities required by law, pursuant to section 65; and
- authorization to recover the \$100.00 filing fee paid for this application, pursuant to section 72.

While the respondent two landlords ("landlord TT" and "landlord MK") and landlord MK's agent attended the hearing by way of conference call, the applicant tenant did not, although I waited until 9:43 a.m. in order to enable the tenant to connect with this teleconference hearing scheduled for 9:30 a.m. This hearing lasted approximately 13 minutes.

I monitored the teleconference line throughout this hearing. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the two landlords, landlord MK's agent, and I were the only people who called into this teleconference.

Landlord TT and landlord MK's agent confirmed their names and spelling. Landlord TT provided a mailing address for me to send this decision to the landlords after the hearing. He stated that he is a co-owner of the rental unit. He confirmed the rental unit address.

Landlord MK stated that she was sick, and she wanted her agent, who is her brother, to represent her at this hearing. Landlord MK's agent stated that landlord MK left the room. Landlord MK's agent stated that landlord MK is a co-owner of the rental unit.

At the outset of this hearing, I informed landlord TT and landlord MK's agent that recording of this hearing was not permitted by anyone, as per Rule 6.11 of the Residential Tenancy Branch ("RTB") *Rules of Procedure* ("*Rules*"). They both separately affirmed, under oath, that they would not record this hearing.

At the outset of this hearing, I explained the hearing process to landlord TT and landlord MK's agent. They had an opportunity to ask questions, which I answered. They did not make any adjournment or accommodation requests.

Landlord TT stated that he did not receive a copy of the tenant's application for dispute resolution hearing package from the tenant. He said that he went in person to an RTB location on March 4, 2022, to check on his application to evict the tenant and was told that the tenant had filed an application against him. He said that he received a courtesy copy of the notice of hearing from the RTB, in order to call into this hearing.

Landlord MK's agent stated that landlord MK did not receive a copy of the tenant's application for dispute resolution hearing package.

Rule 7.3 of the RTB *Rules* provides as follows:

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.

In the absence of any appearance by the tenant, I order that the tenant's entire application dismissed without leave to reapply.

I informed landlord TT and landlord MK's agent of my decision during this hearing. They confirmed their understanding of same.

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: March 15, 2022

Residential Tenancy Branch