



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, RPP, FFT, MNRT

Introduction

This hearing dealt with an application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an order requiring the respondents to return the tenant's personal property pursuant to section 65; and
- authorization to recover the filing fee for this application from the respondent pursuant to section 72.

While the respondent attended the hearing by way of conference call, the applicant did not. I waited until 9:40 a.m. to enable the applicant to participate in this scheduled hearing for 9:30 am. The respondent was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the respondent and I were the only ones who had called into this teleconference.

Rule 7.3 of the Rules of Procedure 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

Accordingly, **in the absence of any submissions in this hearing I order the application dismissed without leave to reapply.**

The respondent wanted to note that the applicant is not a current or past tenant, and is a party attempting to harass and extort money from the respondent and their family. The respondent testified that this was a fraudulent application, which has no merit, and does not fall under the jurisdiction of the RTB. As the applicant was not present to provide

submissions in relation to this matter or their application, no findings were made in relation to this purported tenancy.

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: April 21, 2022

Residential Tenancy Branch