



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing

A matter regarding BROADSTREET PROPERTIES LTD. DBA VALLEY
VIEWS and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OLC

This hearing dealt with an Application for Dispute Resolution (Application) that was filed by the Tenant under the *Residential Tenancy Act* (the Act), on January 15, 2023, seeking:

- An order for the Landlord to comply with the Act, regulation, or tenancy agreement.

The hearing was convened by telephone conference call at 9:30 am on May 11, 2023, and was attended by an agent for the Landlord SH (Agent). The Tenant did not attend. All testimony provided was affirmed. The Agent was provided the opportunity to present their evidence orally and in written and documentary form, to call witnesses, and to make submissions at the hearing.

The Agent was advised that interruptions and inappropriate behavior would not be permitted and could result in limitations on participation, such as being muted, or exclusion from the proceedings. The Agent was asked to refrain from speaking over me and to hold their questions and responses until it was their opportunity to speak. The Agent was also advised that pursuant to the Residential Tenancy Branch Rules of Procedure (Rules of Procedure), recordings of the proceedings are prohibited, and confirmed that they were not recording the proceedings. At the request of the Agent, a copy of the decision will be emailed to them.

The Rules of Procedure state that the respondent must be served with a copy of the Application, the Notice of Hearing, and any documentary evidence intended to be relied upon at the hearing by the applicant. The Agent stated that the Notice of Dispute Resolution Proceeding package (NODRP), which includes the Application and the Notice of Hearing, was not served on them by the Tenant, and they only became aware of the hearing because they received an auto-generated hearing reminder email from

the Residential Tenancy Branch (Branch). The Agent stated that they subsequently contacted the Branch and were provided with a courtesy copy of the NODRP. Branch records confirm that the Agent called the Branch on May 9, 2023, and was provided a courtesy copy of the NODRP. The Agent also stated that the Landlord obtained an order of possession for the rental unit as the result of a previous hearing, and that the Tenant has vacated the rental unit.

As the Tenant was sent the NODRP in relation to their own Application by email on January 19, 2023, I am satisfied that they were duly advised of the date and time of the hearing and how to attend. I also confirmed that the hearing details shown in the NODRP were correct and I note that the Agent had no difficulty attending the hearing on time using this information. Rule 7.1 of the Rules of Procedure states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. Although the Landlord was not properly served with the NODRP, they obtained a copy from the Branch and appeared at the hearing, ready to proceed. The hearing therefore proceeded 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. As the Tenant failed to appear at the hearing of their own application, or to send an agent to the hearing on their behalf, I therefore dismiss the Tenant's Application in its entirety, without leave to reapply.

This decision is made on authority delegated to me by the Director of the Branch under Section 9.1(1) of the Act.

Dated: May 11, 2023

Residential Tenancy Branch