

## Residential Tenancies Tribunal

Decision 19-0018-01

Michael Greene  
Adjudicator

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### Introduction

1. The hearing was called at 10:45 am on 25 March 2019 at Residential Tenancies Hearing Room, 84 Mt. Bernard Avenue, Lower Level, The Sir Richard Squires Building, Corner Brook, Newfoundland and Labrador and via tele-conference through the Bell Aliant Teleconferencing system.
2. The applicant, [REDACTED], hereafter referred to as the landlord, did not participate in the hearing.
3. The respondent, [REDACTED], hereafter referred to as tenant1, participated in the hearing.
4. The respondent, [REDACTED], hereafter referred to as tenant2, participated in the hearing.
5. In a proceeding under the *Residential Tenancies Act, 2018*, the applicant has the burden of proof. This means the applicant has the responsibility to prove that the outcome they are requesting should be granted. In these proceedings the standard of proof is referred to as the balance of probabilities which means the applicant has to establish that his/her account of events are more likely than not to have happened.

### Preliminary Matters

6. The landlord, [REDACTED], was not present or represented at the hearing. The Tribunal's policies concerning notice requirements and hearing attendance has been adopted from the *Rules of the Supreme Court, 1986*.
  - a. Rule 29.05(2)(a) states *a respondent to an application must be served with claim and notice of the hearing 10 clear days prior to the hearing date and, and where the respondent fails to attend the hearing, Rule 29.11(1) states*

*that the hearing may proceed in the respondent's absence so long as he/she has been properly served.*

The applicant failed to file any affidavit of service with the Residential Tenancies Office prior to the hearing date (March 25, 2019). The landlord failed to appear at the scheduled hearing that he applied for. The tribunal waited the prescribed 15 minutes for the applicant to appear. After the 15 minutes, the respondents sought to have the claim dismissed.

As the applicant did not appear at the scheduled hearing. The claim was dismissed for non-appearance.

### **Summary of Decision**

7. The applicant's claim is hereby dismissed for non-appearance of the applicant.

April 9, 2019

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**Date**



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**Michael Greene**  
**Residential Tenancies Tribunal**