



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      MNDC OLC FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Tenants to obtain an Order to have the Landlord comply with the Act and to obtain a Monetary Order for money owed or compensation for damage or loss under the Act, regulation, or tenancy agreement and to recover the cost of the filing fee from the Landlord for this application.

No one was in attendance for the applicant Tenants however the respondent Landlord appeared at the hearing.

### Issue(s) to be Decided

1. Have the Tenants proven a loss of quiet enjoyment to their tenancy?
2. Is the Landlord Ordered to comply with Act?

### Background and Evidence

There was no additional evidence or testimony provided in support of the Tenants' claim as no one attended on behalf of the Tenants.

The Landlord advised that the parties settled this matter before today's hearing and entered into a letter of mutual agreement.

### Analysis

Section 61 of the *Residential Tenancy Act* states that upon accepting an application for dispute resolution, the director must set the matter down for a hearing and that the Director must determine if the hearing is to be oral or in writing. In this case, the hearing

was scheduled for an oral teleconference hearing. In the absence of the applicant Tenants, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the applicant Tenants called into the hearing during this time. Based on the aforementioned I find that the Tenants have failed to present the merits of his application and the application was dismissed.

Conclusion

I HEREBY DISMISS the Tenants' 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 24, 2010.

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Dispute Resolution Officer