



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## DECISION

Dispute Codes      MNDC

### Introduction

This matter dealt with an application by the Tenants to recover an overpayment of rent. The oral hearing via teleconference started as scheduled at 9:30 a.m. however by 9:40 a.m. neither party had dialled into the conference call. As there has been no hearing into the merits of the Tenants' application it is dismissed with leave to reapply provided that this is not a matter that is excluded under s. 4(c) of the Act which states that,

"The Act does not apply to living accommodation in which the tenant shares bathroom or kitchen facilities with the **owner** of that accommodation."

### Conclusion

The Tenants' application is dismissed with 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: March 22, 2011.

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Residential Tenancy Branch