



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT CNL MNDC OLC FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the tenants under the *Residential Tenancy Act* (the “Act”) for more time to make an application to cancel a Notice to End Tenancy, to cancel a Notice to End Tenancy for Landlord’s use of rental property, for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement, to order the landlord to comply with the *Act*, regulation or tenancy agreement and to recover the filing fee.

No one was in attendance for either the landlord or the tenants.

Issue(s) to be Decided

- Should the tenants time to make an application be extended?
- Should the Notice to End Tenancy be cancelled?
- Should the tenants be granted a monetary order for money owed or compensation?
- Should the tenants recover the filing fee?

Background and Evidence

There was no additional evidence or testimony provided as there was no one in attendance at the scheduled hearing.

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.

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 Commencement of the dispute resolution proceeding

The dispute resolution proceeding must commence at the scheduled time unless otherwise decided by the Dispute Resolution Officer. The Dispute Resolution Officer may conduct the dispute resolution proceeding in the absence of a party

and may make a decision or dismiss the application, with or without leave to reapply.

In the absence of the applicant tenants and respondent landlord, the telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of the applicant tenants or respondent landlord called into the hearing during this time. Based on the aforementioned I find that the tenants have not presented the merits of their application and their application is hereby **dismissed** with leave to reapply.

Conclusion

I HEREBY DISMISS the tenants' application, with leave to reapply.

The tenant's are unable to claim for the cost of the filing fee, as the filing fee was waived.

I note this Decision does not extend any applicable time limits under the *Act*.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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: July 10, 2012

Residential Tenancy Branch