



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, FF

Introduction

This hearing was convened by way of conference call concerning an application made by the tenant for a monetary order for money owed or compensation for damage or loss under the *Act*, regulation or tenancy agreement and to recover the filing fee from the landlords for the cost of the application.

The tenant and both landlords attended the conference call hearing on the first scheduled date, and the tenant was assisted by an advocate. The parties provided evidentiary material in advance of the hearing to the Residential Tenancy Branch and to each other however the tenant's advocate advised that the evidence provided by the landlords was not received within enough time to consider and prepare for this hearing. The landlords advised that the evidence package was provided to the tenant by placing it in the mailbox at the address provided by the tenant on the 19th day of April, 2013, which is sufficient for the purposes of the Residential Tenancy Branch Rules of Procedure. The tenant's advocate argued that the evidence was not received until the 24th day of April, 2013 and the tenant has not had an opportunity to prepare. In the absence of any evidence proving the date the evidence was placed in the mailbox, the matter was adjourned for one week, and the parties were orally provided with the phone number and a new passcode for reconvening the conference call hearing.

On the second day of the hearing, the landlords again appeared, however neither the tenant nor the tenant's advocate attended. The line remained open while the phone system was monitored for 10 minutes and the only participants who joined the conference call hearing were the landlords.

The applicant failed to attend to present the claim, and the respondents appeared and were ready to proceed.

In the absence of the party who made the application, I dismiss the claim without leave to reapply. I made no findings of fact or law with respect to the merits of this matter.

Conclusion

For the reasons set out above, the tenant's application is hereby dismissed 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: May 06, 2013

Residential Tenancy Branch