



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR MNDC OLC ERP RP PSF RR FF

Introduction

This hearing dealt with an Application for Dispute Resolution filed on September 27, 2013, by the Tenants to obtain a Monetary Order.

The respondent Landlord appeared at the scheduled teleconference hearing; however, no one on behalf of the applicant Tenants appeared.

Issue(s) to be Decided

Should the Tenants' application be dismissed with or without leave to reapply?

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.

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.

While the Respondent Landlord attended the hearing by way of conference call, the Applicant Tenants did not.

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 Commencement of the hearing The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

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 Tenants called into the hearing during this time.

Accordingly, in the absence of any evidence or submissions from the Tenants I order the application dismissed without liberty to reapply.

Conclusion

I HEREBY DISMISS the Tenants' application, without leave to reapply.

This dismissal does not extend any applicable time limits set out under the Act.

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: October 18, 2013

Residential Tenancy Branch

