



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC

Introduction

This hearing convened on December 18, 2013, and reconvened for the present session on February 18, 2014, to hear the remaining item on cross applications which was the Tenants' claim for \$500.00 for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement and to recover the cost of their filing fee from the Landlord for their application. This decision should be read in conjunction with my interim decision of December 19, 2013.

The respondent Landlords appeared at the scheduled reconvened telephone hearing; however, no one appeared on behalf of the Tenants.

Issue(s) to be Decided

Should the Tenants' claim for monetary compensation be dismissed with or without leave to reapply?

Background and Evidence

There was no additional evidence or testimony provided in support of the Tenants' monetary claim as no one attended the reconvened hearing 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 reconvened hearing was scheduled for an oral teleconference hearing and both parties were sent notice of the reconvened hearing directly from the *Residential Tenancy Branch*.

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.

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.

Accordingly, in the absence of any submissions from the applicant Tenants I ordered the application dismissed without liberty to reapply.

Conclusion

I HEREBY DISMISS the Tenants' monetary 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: February 18, 2014

Residential Tenancy Branch

