



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNSD RR FF

Introduction

This hearing dealt with an Application for Dispute Resolution filed on March 17, 2014, by the Tenants.

The Landlord's Agent 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 testimony submitted to prove the merits of the Tenants' claim, as the Tenants did not appear at the scheduled teleconference hearing.

The Landlord's Agent appeared and advised that the Tenants vacated the property as of May 31, 2014.

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 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 thirteen minutes and no one on behalf of the Tenants called into the hearing during this time. Based on the aforementioned the Tenants have not presented the merits of their position and the application is hereby dismissed, without leave to reapply.

Conclusion

I HEREBY DISMISS the Tenants' 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: July 09, 2014

Residential Tenancy Branch

