



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MOUNTAIN PEAKS RESORT REALTY
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes RP, ERP, RR, FF

Introduction

This was the reconvened hearing dealing with the tenants' application for dispute resolution under the Residential Tenancy Act (the "Act"). The tenants applied for an order requiring the landlord to make repairs and emergency repairs to the rental unit, for an order allowing a reduction in rent, and for recovery of the filing fee paid for this application.

This hearing began on July 14, 2015, and it was determined that the tenants did not have emergency repair issues as defined under section 33 of the Act. It was further determined that the tenants had not served their evidence to the landlords as required by the Dispute Resolution Rules of Procedure (Rules), and the hearing was adjourned in order to allow the tenants to serve their evidence in the required manner. The merits of the tenants' application were not heard or considered at the original hearing.

An Interim Decision, which was entered on July 20, 2015, should be read in conjunction with this Decision and in that Interim Decision, the parties were informed that the reconvened hearing would be conducted whether or not they were present.

The reconvened hearing began as scheduled and the telephone system remained open and was monitored for 11 minutes. During this time, neither the applicants/tenants nor the respondent/landlord dialed into the telephone conference call hearing.

Analysis and Conclusion

In the absence of the tenants to present their claim at the reconvened hearing, pursuant to section 10.1 of the Rules, I dismiss the tenants' application, without leave to reapply, as the hearing had not concluded.

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: September 25, 2015

Residential Tenancy Branch

