



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC OPT FF

Introduction

This hearing was convened to hear matters pertaining to an Application for Dispute Resolution filed by the Tenants on September 25, 2015 to obtain a Monetary Order for compensation for damage or loss under the Act, regulation or tenancy agreement; to recover the cost of the filing fee from the Landlords for this application; and to obtain an Order of Possession for the Tenants.

The hearing was conducted via teleconference and was attended by the Landlords. No one was in attendance on behalf of either Tenant.

Issue(s) to be Decided

Should this application be dismissed with or without leave to reapply?

Background and Evidence

There was no evidence or testimony provided in support of the Tenants' application as no one attended on behalf of either Tenant.

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.

The telephone line remained open while the phone system was monitored for ten minutes and no one on behalf of either Tenant called into the hearing during this time. In the absence of any submissions from the applicant Tenants I find the Tenants failed to prove the merits of her application. Accordingly, I order the application dismissed without liberty to reapply.

Conclusion

The Tenants failed to appear at the scheduled hearing and their application was 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: October 28, 2015

Residential Tenancy Branch

