



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

MND, FF

Introduction

This hearing was convened in response to the Landlord's Application for Dispute Resolution, in which the Landlord applied for a monetary Order for money owed or compensation for damage and to recover the fee for filing this Application for Dispute Resolution.

The hearing on October 29, 2015 was adjourned for reasons outlined in my interim decision of October 29, 2015.

The hearing was reconvened on January 06, 2016 and was subsequently adjourned for reasons outlined in my interim decision of January 06, 2016.

The hearing was reconvened on March 09, 2016.

At the hearing on October 29, 2015 the Landlord stated that she served the Application for Dispute Resolution and the Notice of Hearing to the Tenants via registered mail, although she cannot recall the date of service. The Tenants acknowledged receipt of these documents.

On October 08, 2015 the Tenants submitted 16 pages of evidence to the Residential Tenancy Branch. At the hearing on October 29, 2015 the male Tenant stated that this evidence was served to the Landlord, by registered mail, on October 06, 2015 or October 07, 2015. The Landlord acknowledged receipt of this evidence and it was accepted as evidence for these proceedings.

On October 16, 2015 the Landlord submitted 60 pages of evidence to the Residential Tenancy Branch. At the hearing on October 29, 2015 the Landlord stated that this evidence was served to the Tenants, by registered mail, on October 17, 2015. The Tenants acknowledged receiving this evidence on October 18, 2015 and, given that the Tenants have had ample time to consider the evidence, it was accepted as evidence for these proceedings.

Issue(s) to be Decided

Is the Landlord entitled to compensation for damage to the rental unit?

Background and Evidence

The hearing was scheduled for 9:00 a.m. on March 09, 2016. The Tenants dialed into the teleconference at the scheduled start time but by the time the teleconference was terminated at 9:13 a.m. the Landlord had not appeared.

Analysis

I find that the Landlord failed to diligently pursue the Application for Dispute Resolution and I therefore dismiss the Application without leave to reapply.

Conclusion

The Application for Dispute Resolution is 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: March 09, 2016

Residential Tenancy Branch