



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, O, FF

Introduction and Conclusion

This hearing convened as a result of a Tenants' Application for Dispute Resolution filed March 21, 2016 wherein the Tenants sought compensation pursuant to section 51(2) of the *Residential Tenancy Act* as well as to recover the filing fee.

The hearing was conducted by teleconference and was originally scheduled for October 31, 2016. At that time the Tenants and a representative of the Landlord called into the hearing. By Interim Decision dated November 1, 2016 I adjourned the hearing as the Landlord was unable to attend. By letter dated November 24, 2016 the parties were informed that the hearing was adjourned to January 5, 2017 at 10:30 a.m.

The hearing reconvened as scheduled at 10:30 a.m. on January 5, 2017. At that time, only the Landlord called into the hearing.

The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the Respondent Landlord.

Analysis and Conclusion

Rules 7.1 and 7.3 of the Residential Tenancy Branch Rules of Procedure provide as follows:

Commencement of Hearing:

The hearing must commence at the scheduled time unless otherwise decided by the arbitrator.

Consequences of not attending the hearing

If a party or their agent fails to attend the hearing, the arbitrator may conduct the dispute resolution hearing in the absence of that party, or dismiss the application, with or without leave to re-apply.

This hearing convened as a result of the Tenants' Application for Dispute Resolution. Accordingly, the Tenants bear the burden of proving their claim. As the Tenants did not call into the hearing by 10:40 a.m. on January 5, 2017 and the Respondent called in and was ready to proceed, I dismiss the Tenants' claim without leave to reapply.

This decision is final and binding on the parties, except as otherwise provided under the Act, and 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: January 5, 2017

Residential Tenancy Branch