



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MNSD, FF

Introduction

This hearing was convened by conference call in response to the Tenants' Application for Dispute Resolution (the "Application") filed on January 3, 2017 for the return of their security deposit and monetary compensation for damage or loss under the *Residential Tenancy Act* (the "Act"), regulation or tenancy agreement. The Tenants also applied to recover the filing fee from the Landlord. The line remained open while the phone system was monitored for ten minutes and the only participants who called into the hearing was the Landlord and the Landlord's translator.

The Landlord's translator informed me that the Landlord had not been served with notice of this hearing or with a copy of the Application by the Tenants. The Landlord's translator stated that the Landlord only became aware of this hearing when she called the Residential Tenancy Branch information line and was provided with the call in details.

Analysis & Conclusion

Rule 7.3 of the Residential Tenancy Branch Rules of Procedure states 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. As the Tenants did not appear by 1:40 p.m., and the Landlord appeared and was ready to proceed with the Application, I dismissed 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: June 26, 2017

Residential Tenancy Branch