



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MND, MNSD, MNDC, FF

Introduction

This was a cross-application hearing for Dispute Resolution. The matter was set for a conference call hearing.

The Landlord applied on June 7, 2017, requesting a monetary order for damage and to retain the security deposit or pet damage deposit.

The Tenants applied on January 24, 2017, seeking compensation for damage or loss under the Act, and for the return of the security deposit.

Both parties were present at the initial hearing. At the start of the hearing I introduced myself and the participants. The Landlords application was dismissed with leave to reapply; however the Tenants application proceeded. The hearing process was explained. The evidence was reviewed and confirmed received by each party. The parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to present affirmed oral testimony and to make submissions during the hearing.

The hearing was scheduled for 90 minutes which was insufficient time for the parties to provide their testimony. The hearing was adjourned and rescheduled. A Notice of Adjourned Hearing was sent to both parties.

The Landlord attended the adjourned hearing; however the Tenants did not. The line remained open while the phone system was monitored for ten minutes and the Tenants did not call into the hearing during this time.

In my Interim Decision dated July 12, 2017, I informed the parties that they are expected to attend the hearing on the date and time listed in the Notice of Hearing, and that failure to attend could result in the their application being dismissed.

The Residential Tenancy Branch Case Management System indicates the Notice of Adjourned Hearing and Interim Decision that were sent to the Tenants were returned to the Residential Tenancy Branch as “moved”. The comments in the system indicate that the documents were then sent to the Tenants using an email address they provided.

The Landlord appeared at the hearing ready to proceed. There is no record to indicate that the Tenants contacted the Residential Tenancy Branch to update their address or to make inquiries about the date their application will be heard. It appears that the Tenants have abandoned their application.

Since the Tenants did not provide the RTB with an updated address and did not attend the hearing by 11:10 AM, I dismiss their claims 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: September 28, 2017

Residential Tenancy Branch