



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC, PSF, RR, FFT

Introduction

This hearing convened as a result of a Tenants' Application for Dispute Resolution, filed September 30, 2017, wherein the Tenants sought the following relief:

- an Order that the Landlord comply with the *Residential Tenancy Act*, the *Residential Tenancy Regulation*, and/or the residential tenancy agreement;
- an Order that the Landlord provide services or facilities required by law;
- an Order that the Tenants be permitted to deduct the cost of repairs, services or facilities from the rent; and,
- to recover the filing fee.

Only the Landlord's agent and Property Manager, C.K., called into the hearing. She advised that they were not served with the Tenants' Application and only became aware of the hearing date when the Tenants sent an email on November 29, 2017 "reminding" them of the hearing. She stated that she then attended the Residential Tenancy Branch office and was advised of the hearing, although at this time it was too late to submit any documentary evidence on the Landlord's behalf.

This matter was set for a reconvened conference call hearing on December 13, 2017 at 9:00 a.m. I waited until 12 minutes past the start of the scheduled hearing time in order to enable both parties to connect with this teleconference hearing, yet the Tenants did not call into the hearing.

Rule 7 of the *Residential Tenancy Branch Rules of Procedure* provides that:

7.1 Commencement of the dispute resolution hearing

The dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator.

7.2 Delay in the start of a hearing

In the event of a delay of a start of a conference call hearing, each party must stay available on the line to commence the hearing for 30 minutes after the time scheduled for the start of the hearing.

In the event of a delay of a face-to-face hearing, unless otherwise advised, the parties must remain available to commence the hearing at the hearing location for 30 minutes after the time scheduled for the start of the hearing.

7.3 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.

7.4 Evidence must be presented

Evidence must be presented by the party who submitted it, or by the party's agent.

If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

As the Applicant Tenants did not call into the hearing by 9:12 a.m., and the Respondent Landlord appeared 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: December 13, 2017

Residential Tenancy Branch