



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

DRI, ERP, MNDCT, PSF, RP

Introduction

A hearing was convened on December 13, 2017 in response to the Tenants' Application for Dispute Resolution, in which the Tenants applied for a monetary Order for money owed or compensation for damage or loss, for an Order requiring the Landlord to make repairs and provide services/facilities; and to dispute a rent increase. This rental unit has been vacated and I therefore find there is no need to consider the application for an Order requiring the Landlord to make repairs and provide services/facilities.

At the hearing on December 13, 2017 the male Tenant stated that on October 06, 2017 the Application for Dispute Resolution and the Notice of Hearing were personally served to the Landlords. The Agent for the Landlord acknowledged receipt of these documents.

On October 18, 2017 the Landlord submitted evidence to the Residential Tenancy Branch. At the hearing on December 13, 2017 the Agent for the Landlord stated that this evidence was personally served to the Tenants on October 14, 2017. The male Tenant stated that this evidence was not received.

On November 28, 2017 the Tenants submitted evidence to the Residential Tenancy Branch. At the hearing on December 13, 2017 the male Tenant stated that this evidence was placed in the Landlord's mail box on November 29, 2017. The Agent for the Landlord stated that this evidence was not received.

For reasons outlined in my interim decision of December 13, 2017, the hearing on December 13, 2017 was adjourned to provide the parties with the opportunity to re-serve evidence.

The hearing was reconvened on March 08, 2018 and was concluded on that date.

Issue(s) to be Decided

Has there been an unlawful rent increase and, if so, are the Tenants entitled to a rent refund?

Are the Tenants entitled to compensation for deficiencies with the rental unit?

Background and Evidence

The hearing was scheduled for 9:00 a.m. on this date. The Landlord dialed into the teleconference prior to the start of the hearing. I dialed into the teleconference at 9:02 a.m. By the time the teleconference was terminated at 9:12 a.m. the Tenants had not appeared.

Analysis

I find that the Tenants failed to diligently pursue the application and I therefore dismiss the application without leave to reapply.

Conclusion

The Application for Dispute Resolution was 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 *Act*.

Dated: December 13, 2017

Residential Tenancy Branch