



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Aldridge Custom Homes
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes

ERP; LAT; LRE; OLC; FF

Introduction

This is the Tenants' Application for Dispute Resolution made April 11, 2018, seeking an Order that the Landlord comply with the Act and make emergency repairs to the rental unit; authorization to change the locks on the rental unit; an Order suspending or setting conditions on the Landlord's right to enter the rental unit; and to recover the cost of the filing fee from the Landlord.

This matter was first convened on May 16, 2018, and adjourned to allow the Landlord to serve the Tenants with documents, which the Landlord testified were served on May 5, 2018, and which the Tenants denied receiving. An Interim Decision was made on May 25, 2018, which should be read in conjunction with this Decision.

This Hearing was scheduled to be reconvened on May 31, 2018, at 9:30 a.m. The Applicants/Tenants did not attend the reconvened Hearing, although I left the teleconference hearing connection open until 9:48 a.m. in order to enable the Tenants to attend. The Landlord's agents attended the hearing and gave affirmed testimony.

The Landlord's agent JJ testified that the Landlord served the Tenants with the 60 page Affidavit, as ordered in my Interim Decision, by courier. He provided the tracking number for the courier package and stated that the tracking system indicates that the Tenants received the package on May 17, 2018 at 9:31 p.m. I am satisfied that the Tenants were sufficiently served with the documents, pursuant to the provisions of Section 71 of the Act.

I confirmed that the correct date, time, call-in numbers and participant codes had been provided in the Notice of Reconvened Hearing. I also confirmed from the teleconference system that the Landlord's agent, its witness, and I were the only ones who had called into

this teleconference. Audit notes in the Residential Tenancy Branch's electronic filing system indicate that the initial e-mail containing the Notice of Reconvened Hearing that was sent to the Tenants at the e-mail address they gave during the Hearing on May 16, 2018, "bounced" back. The audit notes indicate that the Notice was sent again, to the e-mail address that was on the Tenant's Application (a different e-mail address). There are no audit notes stating that the second e-mail bounced back.

I am satisfied that the Tenants received the Notice of Reconvened Hearing. The Tenants did not attend the Reconvened Hearing and therefore, their Application is dismissed without leave to reapply.

For clarification, **the Landlord's Application for an Order of Possession will be heard on June 21, 2018 at 11:00 a.m., as previously scheduled.**

Conclusion

The Tenants' Application is **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 *Residential Tenancy Act*.

Dated: May 31, 2018

Residential Tenancy Branch