



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      DRI, LRE, MNDCT, OLC

### Introduction and Conclusion

This hearing convened as a result of a Tenants' Application for Dispute Resolution, filed on March 13, 2018, wherein the Tenants sought to dispute a rent increase, monetary compensation from the Landlord, an Order that the Landlord comply with the *Residential Tenancy Act* and the *Residential Tenancy Regulation*, and an Order restricting the Landlord's right to enter the rental unit.

The hearing was scheduled for 11:00 a.m. on May 30, 2018. Neither party called in to the hearing at 11:00 a.m. I waited 12 minutes past the scheduled start time and just as I was disconnecting from the line the Tenant, J.M., called in.

Branch records indicate that another hearing occurred (prior to the hearing before me) at 10:30 a.m. This previous hearing dealt with the Tenants' Application, filed April 23, 2018, and a Landlord's Application relating to a notice to end tenancy. The file numbers for those applications are noted on the unpublished cover page of this my Decision.

The Tenants failed to call into the hearing at 10:30 a.m. and their April 23, 2018 application was considered abandoned. The Landlord was granted an Order of Possession on their application. I informed the Tenant of this during our hearing at 11:00 a.m.

Notably, the relief sought by the Tenants in the April 23, 2018 Application was the same as the relief sought in the hearing before me, save and except for the fact the Tenants also sought to cancel the notice to end tenancy as well as more time to make such an application.

Branch records also indicate the Tenants were instructed to withdraw the application which was scheduled before me at 11:00 a.m. and to proceed with the application filed April 23, 2018 (and scheduled for 10:30 a.m.) as that application also included their request to cancel the Notice.

The Tenants did not withdraw the application as directed.

As noted, the Tenants failed to call into the 10:30 hearing and the Landlord was granted an Order of Possession. As such, the relief sought by the Tenants in their application before me was moot as it related to the continuation of the tenancy; as such, **I dismiss the Tenants' claim, without leave to reapply, for an Order that the Landlord comply with the *Residential Tenancy Act* and the *Regulations*, as well as an Order restricting the Landlords' right to enter the rental unit.**

**The only remaining relevant claims in the March 13, 2018 Application are the Tenants' monetary claim and their dispute over the additional rent increase; that relief is dismissed with 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 1, 2018

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Residential Tenancy Branch