



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDCL, MNDL, FFL

### Introduction

This hearing convened as a result of a Landlord's Application for Dispute Resolution, filed on November 9, 2017, wherein the Landlord sought monetary compensation from the Tenants and recovery of the filing fee.

The matter was set for hearing by telephone conference call at 2:30 p.m. on this date. The line remained open while the phone system was monitored for ten minutes and only the Tenants called into the hearing during this time.

I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the Tenants and I were the only ones who had called into this teleconference.

### Analysis and Conclusion

Rule 7 of the *Residential Tenancy Branch Rules of Procedure* provides in part as follow:

#### **7.1 Commencement of the dispute resolution hearing**

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

#### **7.3 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 Landlord failed to call into the hearing and the Tenants called in and were ready to proceed **I dismiss the Landlord's claim without leave to reapply.** I note this does not extend any applicable time limits under the *Act*.

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: June 12, 2018

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Residential Tenancy Branch