



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      MNDCT, FFT

### Introduction

This hearing dealt with an Application for Dispute Resolution (the “Application”) that was filed by the Tenants under the *Residential Tenancy Act* (the “Act”), seeking a Monetary Order for compensation pursuant to section 51 of the *Act* and recovery of the filing fee.

The hearing was convened by telephone conference call and was attended by the Respondent C.G. who is the current owner of the property and was the purchaser at the time the Two Month Notice was served. As a result, he will be referred to as the “Purchaser” throughout this decision. Although the Purchaser and I attended the hearing on time and ready to proceed, neither the Tenants nor an agent acting on their behalf appeared to provide evidence or testimony for my consideration. The Purchaser provided affirmed testimony and was given the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing. At the request of the Purchaser, copies of the decision will be e-mailed to him at the e-mail address provided in the hearing.

At the outset of the hearing the Purchaser stated that he has not received a copy of the Application, the Notice of Hearing, or any documentation or evidence from the Tenants. The Respondent stated that he only became aware of the hearing due to an auto-generated e-mail sent as a result of the Tenants’ Application and that he subsequently called the Residential Tenancy Branch (the “Branch”) for further details.

Based on the undisputed testimony of the Purchaser, I am not satisfied that he was served with a copy of the Application and the Notice of Hearing as required by the *Act* and the Rules of Procedure. Further to this, rule 7.3 of the Rules of Procedure states that if a party or their agent fails to attend the hearing, the arbitrator may conduct the hearing in the absence of that party, or dismiss the Application with or without leave to reapply. As neither the Tenants nor an agent acting on their behalf attended the hearing

to provide any evidence or testimony for my consideration, the Tenants' Application is therefore dismissed in its entirety 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: July 5, 2018

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Residential Tenancy Branch