



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNRL-S, FFL

Introduction

This teleconference hearing was scheduled in response to an application by the Landlord under the *Residential Tenancy Act* (the “Act”) for a Monetary Order for unpaid rent, to retain the security deposit towards compensation owed and for the recovery of the filing fee paid for this application.

Both Tenants called into the teleconference hearing, while no one called in for the Landlords. The Tenants testified that they did not receive the Notice of Dispute Resolution Proceeding information until the day before the hearing when one of the Tenants was notified that the package had been received at his work address. The other Tenant testified that she did not receive any information regarding the hearing from the Landlords. The Tenants called the Residential Tenancy Branch on the day of the hearing to confirm the call-in information.

The Tenants confirmed that they did not provide a forwarding address to the Landlords and that the work address for one of the Tenants may have been provided on the tenancy agreement. As the Tenants did not receive the Notice of Dispute Resolution Proceeding documents and evidence in time to review and submit their own evidence in response to the claim, it would not be procedurally fair to continue with a hearing, even if the Landlords had attended the hearing.

Issues to be Decided

Is the Landlord entitled to a Monetary Order for unpaid rent?

Is the Landlord entitled to retain the security deposit towards compensation owed?

Should the Landlords be awarded the recovery of the filing fee paid for this application?

Background and Evidence

Rule 7.1 of the Rules of Procedure state that the hearing commences at the scheduled time, unless otherwise determined by the Arbitrator. Rule 7.3 of the Rules of Procedure state that in the absence of a party, the hearing may be conducted in their absence or the dispute dismissed, with or without leave to reapply.

Analysis

As the Landlords, who were the applicants on this file, did not call into the hearing during the approximately 12 minutes that the phone line remained open, their application is dismissed without leave to reapply.

Conclusion

I dismiss this Application for Dispute Resolution 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 12, 2018

Residential Tenancy Branch