



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNL, OLC, FFT

Introduction

This is an Application for Dispute Resolution (the “Application”) brought by the Tenants requesting additional time to dispute a Notice to End Tenancy; the Tenants wish to cancel that Notice and to obtain an order that the Landlord comply with the Act, regulations and/or tenancy agreement. The Tenants also request an order for payment of the filing fee.

The Landlords appeared for the scheduled hearing. However, the Tenants did not attend this hearing, although I left the teleconference hearing connection open for 10 minutes in order to enable the Tenants to call into this teleconference hearing scheduled for 11:00 a.m. The Landlords attended the hearing and were given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. 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 Landlords and I were the only ones who had called into this teleconference.

The Landlords confirmed that the Tenants have since vacated the rental unit and that they intend to file an Application for damages against the Tenants.

Issues to be Decided

Are the Tenants entitled to additional time to dispute the Notice to End Tenancy, pursuant to section 66 of the Residential Tenancy Act (“Act”)?

If so, are the Tenants entitled to a cancellation of the Notice to End Tenancy, pursuant to section 49 of the Act?

If not, are the Landlords entitled to an Order of Possession, pursuant to section 55 of the Act?

Are the Tenants entitled to an Order requiring the Landlords to comply with the Act, regulations and/or tenancy agreement, pursuant to section 62 of the Act?

Are the Tenants entitled to payment of their filing fee, pursuant to section 72 of the Act?

Analysis and Conclusion

Rule 7.3 of the Residential Tenancy Branch Rules of Procedure states if a party or their agent fails to attend a 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.

As the Tenants did not call into the conference call by 11:10 a.m., I find the Tenants have not presented the merits of this Application which is hereby **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: October 11, 2018

Residential Tenancy Branch