



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT, FFT

Introduction

On September 12, 2018, the Tenants submitted an Application for Dispute Resolution under the *Residential Tenancy Act* (the “Act”) requesting a Monetary Order for damages and to claim reimbursement for the filing fee. The matter was set for a participatory hearing via conference call.

Preliminary Matters

This hearing was scheduled for a conference call hearing on this date. On November 29, 2018, the parties were notified by the Residential Tenancy Branch that a new call-in code was assigned. A telephone message was left, and an email was sent to the Tenants with the new Notice of Hearing details (same date and time) and a telephone message was left with the Landlord.

Rule 7.1 of the *Residential Tenancy Branch - Rules of Procedure* stipulates that the hearing must commence at the scheduled time unless otherwise decided by the Arbitrator. The Arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the Application, with or without leave to re-apply.

The Tenants were provided with a copy of the Notice of a Dispute Resolution Hearing by the Residential Tenancy Branch on September 17, 2018 and subsequently, the hearing details were updated on November 29, 2018. However, the Tenants did not attend the teleconference hearing set for today at 1:30 p.m. The only person to call into the hearing was the Landlord who indicated that they were ready to proceed. I confirmed that the correct call-in numbers and participant codes had been provided in the most recent Notice of Hearing. I also confirmed from the teleconference system that the only persons who had called into this teleconference was the Landlord and myself.

After keeping the phone line open for 10 minutes, I released the Landlord after advising that I would likely be dismissing the Tenants’ Application with leave to reapply as the Tenants failed to attend the hearing to present the merits of their Application.

I was concerned that the Tenants may have attempted to access the hearing with the original hearing codes and upon checking, found one of the Tenants waiting patiently in the original telephone conference space. I spoke with the Tenant who stated that he had recently received an email from the Residential Tenancy Branch to remind him of the hearing and that this email provided him with the access code with which he called into the conference. The Tenant was unable to reference the email while I was on the phone with him.

Analysis

After consultation with a Residential Tenancy Branch - Supervisor of Information Services, I confirmed that the email reminders that the Residential Tenancy Branch sends out to all parties are auto-generated and do not contain access codes.

Upon review, I find that the Tenants called into the wrong hearing with an outdated access code. I accept that the Tenants intended on attending the hearing and proceeding with their Application; however, I find that they made a mistake and therefore, I dismiss their Application with leave to reapply.

Conclusion

I dismiss the Application for Dispute Resolution with leave to reapply; however, this does not extend any applicable time limits under the Legislation. I have not made any findings of fact or law with respect to the Application.

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: January 16, 2019

Residential Tenancy Branch