



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR OPR FF

This hearing dealt with the Landlords' Application for Dispute Resolution, made on November 23, 2018 (the "Application").

The original hearing took place on January 8, 2019. The Landlords were represented at the hearing by R.S., an agent. The Tenants did not attend the original hearing. In a decision dated January 9, 2019, an arbitrator granted the Landlords a monetary order for unpaid rent in the amount of \$2,400.00. However, upon receipt of the arbitrator's decision, the Tenants submitted an Application for Review Consideration, dated January 28, 2019. After considering the Tenants' evidence and submissions, an arbitrator prepared a review consideration decision and determined that the Tenants were entitled to a new hearing on the basis that they were unable to attend the original hearing for reasons that could not be anticipated and were beyond their control. The new hearing was scheduled on March 7, 2019.

The review consideration decision stipulated that the Tenants were required to serve the Landlords with notices of the time and date of this hearing, and with a copy of the review consideration decision. On behalf of the Tenants, M.B. testified these documents were served on the Landlords in person at their residence on February 9, 2019, at 5:27 p.m. I accept the Tenants' evidence of service and find that these documents were served on and received by the Landlords on February 9, 2019.

The Landlords applied for the following relief, pursuant to the *Residential Tenancy Act*:

- a monetary order for unpaid rent or utilities;
- an order of possession for unpaid rent or utilities; and
- an order granting recovery of the filing fee.

This matter was set for hearing by telephone conference call at 11:00 A.M on March 7, 2019. The line remained open while the phone system was monitored for ten minutes. The only participants who called into the hearing during this time were the Tenant, K.G., and her advocate, M.B. Therefore, as neither the Landlords nor their agent attended the hearing by 11:10 A.M., and the Tenants were represented and were prepared to proceed, I dismiss the Landlords' claim without leave to reapply. The decision and order issued on January 9, 2019, are set aside.

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: March 7, 2019

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Residential Tenancy Branch