



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNC, DRI, ERP, FFT, RP

### Introduction

This hearing dealt with an Application for Dispute Resolution (“Application”) by the Tenants seeking remedy under the *Residential Tenancy Act* (“Act”):

- to cancel the One Month Notice to End Tenancy for Cause;
- to dispute a rent increase;
- for an order for emergency repairs;
- to recover the filing fee; and
- for an order for regular repairs.

The Tenants were provided with a Notice of Dispute Resolution Hearing on January 31, 2019; however, the Tenants did not attend the teleconference hearing scheduled for Tuesday, March 12, 2019 at 11:00 a.m. Pacific Time. The phone line remained open for 10 minutes and was monitored throughout this time. The only person to call into the hearing was an agent for the respondent Landlord, G.C. (“Agent”), who indicated that she did not expect the Tenants to attend, as they had vacated the rental unit on February 28, 2019, without giving a forwarding address.

The Agent said that she was erroneously identified as the Landlord on the Application and that the corporate landlord’s name is actually [R.N.R.E.S. Inc.] (the “Landlord”). Pursuant to section 64(3)(c) of the *Act*, I amend the Application to correct this error.

The Agent indicated that the Landlord had possession of the rental unit, so I find that that an order of possession is not necessary in this case

Rule 7.1 of the Residential Tenancy Branch Rules of Procedure (the “Rules of

Procedure”) states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. The Respondent Landlord and I attended the hearing on time and were ready to proceed, and there was no evidence before me that the Parties had agreed to reschedule or adjourn the matter; accordingly, I commenced the hearing at 11:00 a.m. on March 12, 2019, as scheduled.

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 dispute resolution hearing in the absence of that Party or dismiss the application, with or without leave to reapply. The teleconference line remained open for 10 minutes, however, neither the Applicants nor an Agent acting on their behalf attended to provide any evidence or testimony for my consideration. As a result, and pursuant to rule 7.3 of the Rules of Procedure, I **dismiss the Tenants Application without leave to reapply.**

### Conclusion

The Tenants’ Application is dismissed without leave to reapply, as the Tenants or an Agent for the Tenants did not attend the hearing to present the merits of their Application. An Agent for the Respondent Landlord did attend the hearing.

This decision does not extend any applicable time limits under the *Act*.

This decision will be emailed to the address provided by the Landlord during the hearing and to the email address provided by the Tenant in the Application.

This decision is final and binding on the Parties, except as otherwise provided under the Act, and 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 12, 2019

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Residential Tenancy Branch