



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OLC FFT

Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the "Act") for:

- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62; and
- authorization to recover their filing fee for this application from the landlords pursuant to section 72.

The landlord, J.F. attended the hearing. The landlord had full opportunity to provide affirmed testimony, present evidence, cross examine the other party, and make submissions.

The tenants did not attend the hearing. I kept the teleconference line open from the scheduled hearing time at 9:30 a.m. for ten minutes until 9:40 a.m. to allow the tenants the opportunity to call. The teleconference system indicated only the landlord and I had called into the hearing. I confirmed the correct participant code was provided to the tenants.

Preliminary Matter – Non-Service of Notice of Hearing By the Tenant

The landlord testified that the tenants did not serve them with the Notice of Dispute Resolution Proceeding or the tenants' evidence as required by Rule 3.1 of the *Residential Tenancy Branch Rules of Procedure*. The landlord testified that they only became aware of this hearing when they received a reminder communication from the Residential Tenancy Branch regarding this hearing. The landlord testified that they still have not received the Notice of Dispute Resolution Proceeding or the tenants' evidence.

I find that the tenants have not served the landlords with the Notice of Dispute Resolution Proceeding or the tenants' evidence as required by Rule 3.1 of the *Residential Tenancy Branch Rules of Procedure*. Furthermore, I find that the tenants' application cannot proceed in the absence of such service.

Preliminary Matter – Non-Appearance of Tenants at the Hearing

Furthermore, the applicant tenants did not appear at the hearing. Rule 7.3 of the *Residential Tenancy Branch Rules of Procedure* provides as follows:

7.3 Consequences of not attending the hearing – 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.

As the applicant tenants did not attend the hearing, and in the absence of any evidence or submissions, I order the tenants' application be dismissed without leave to reapply.

Conclusion

I order the tenants' application be 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: April 30, 2019

Residential Tenancy Branch