



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding HOLLYBURN PROPERTIES LTD.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      AS, FFT

### Introduction

This hearing was convened by way of conference call in response to an Application for Dispute Resolution filed by the Tenants on April 11, 2019 (the “Application”). The Tenants applied for an order that they be allowed to assign or sublet. The Tenants sought reimbursement for the filing fee.

The Property Manager appeared at the hearing for the Landlord.

Nobody appeared at the hearing for the Tenants. I waited 10 minutes, until 9:40 a.m., to allow the Tenants to call in and participate in the hearing set for 9:30 a.m. I confirmed from the teleconference system that only myself and the Property Manager had called into the hearing.

The Tenants named the Resident Manager as the landlord on the Application. I confirmed with the Property Manager that the company should be named as the Landlord. I have amended the Application, and this is reflected in the style of cause.

The Property Manager advised that the Tenants have vacated the rental unit and the tenancy has ended.

Rule 7.3 of the Rules of Procedure states:

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 re-apply.

Here, the Tenants did not appear at the hearing to provide evidence or a basis for the Application. Therefore, the Application is dismissed without leave to re-apply.

The Landlord had submitted a Monetary Order Worksheet seeking \$1,382.83. I told the Property Manager that the Landlord must file their own application for compensation and that I could not consider this in relation to the Application which is the Tenants' Application to assign or sublet. I told the Property Manager there are time limits involved in relation to seeking to keep deposits and an overall limitation period and that he can call the Residential Tenancy Branch and speak to an Information Officer about this if he has questions.

### Conclusion

The Tenants did not appear at the hearing and therefore the Application is dismissed without leave to re-apply.

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: May 28, 2019

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Residential Tenancy Branch