



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes: ERP, FFT

### Introduction

In this dispute, the tenants sought an order for emergency repairs pursuant to sections 32 and 62 of the *Residential Tenancy Act* (the “Act”) and recovery of the filing fee pursuant to section 72 of the Act.

The tenants applied for dispute resolution on December 31, 2019 and a dispute resolution hearing was held at 9:30 AM (Pacific Standard Time) on January 21, 2020. The landlords attended the hearing (one called in from France and the other from the Netherlands), but the tenants did not. The hearing concluded shortly after 9:40 AM.

The landlords explained that they were unaware of the nature of the claim and mentioned that the only information they had about the hearing was from an email reminder from the Residential Tenancy Branch. No Notice of Dispute Resolution Proceeding or evidence had been served on them, as is required under the *Rules of Procedure*, under the Act.

### Preliminary Issue: Non-Attendance of Applicants

The standard of proof in a dispute resolution hearing is on a balance of probabilities, which means that it is more likely than not that the facts occurred as claimed. The onus to prove their case is on the person making the claim.

As the applicants did not attend the hearing, I cannot make any findings of fact or law, nor may I issue any decision or order in regard to the alleged particulars of their claim. As such, I dismiss their application with leave to reapply.

Conclusion

This application is dismissed with leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under subsection 9.1(1) of the Act.

Dated: January 21, 2020

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Residential Tenancy Branch