



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNCDL, FFL

This hearing dealt with an Application for Dispute Resolution (the “Application”) that was filed by the Landlords under the Residential Tenancy Act (the “Act”), seeking a Monetary Order for monetary loss or other money owed and recovery of the filing fee.

The hearing was convened by telephone conference call and was attended by the Tenant I. D. and two witnesses for the Tenant (the “Witnesses”), all of whom provided affirmed testimony. Although the line remained open while the phone system was monitored for 12 minutes, neither the Applicants, who are the Landlords, nor an agent acting on their behalf, appeared in the hearing to provide any evidence or testimony for my consideration.

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. As the Tenant, the Witnesses, and I attended the hearing on time and ready to proceed, I commenced the hearing as scheduled at 1:30 P.M. on August 20, 2018.

Rule 6.6 of the Rules of procedure states that the standard of proof in a dispute resolution hearing is on a balance of probabilities and that the onus to prove their case is on the person making the claim. As a result, I find that it was incumbent upon the Landlords to attend the hearing and satisfy the matters claimed in their Application. Further to this, 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. As the Landlords who bear the burden of proof in this matter failed to appear at the hearing of their own Application, or to have an agent appear on their behalf, I therefore dismiss their Application without leave to reapply pursuant to rule 7.3 of the Rules of Procedure.

Conclusion

The Landlords' Application is dismissed in its entirety 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: March 5, 2020

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Residential Tenancy Branch