



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ROYAL LEPAGE SUSSEX MANDER GROUP
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDCT, RR

Introduction

This hearing convened as a result of a Tenants' Application for Dispute Resolution, filed on March 3, 2020, wherein the Tenants sought monetary compensation from the Landlord in the amount of \$12,500.00 pursuant to sections 65 and 67 of the *Residential Tenancy Act*.

The hearing of the Tenants' Application was scheduled for teleconference at 1:30 p.m. on April 28, 2020. The line remained open until 1:46 p.m. and the only participants who called into the hearing during this time were the Landlord's property managers, H.G., K.M. and D.M. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the Respondents and I were the only ones who had called into this teleconference.

Analysis and Conclusion

Rules 7.1 and 7.3 of the *Residential Tenancy Branch Rules of Procedure* provide as follows:

Commencement of Hearing:

The hearing must commence at the scheduled time unless otherwise decided by the arbitrator.

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 re-apply.

As the Applicants, the Tenants bear the burden of proving their claim on a balance of probabilities. The Tenants failed to call into the hearing and therefore failed to provide any testimony or submissions in support of their claim.

Section 59(2)(b) of the *Residential Tenancy Act* provides that an Application for Dispute Resolution must include full particulars of the dispute.

Hearings before the Residential Tenancy Branch are conducted in accordance with the *Residential Tenancy Branch Rules of Procedure*. Rule 2.5 provides that an Applicant should submit a detailed calculation of any monetary claim being made as well as copies of all other documentary and digital evidence to be relied on in the proceeding.

In this case, the Tenants failed to provide a detailed calculation of their claim, nor did they submit any evidence in support of their monetary claim. In all the circumstances I find the Tenants have failed to meet the burden of proving their claim. **Consequently, I dismiss the Tenant's Application filed on March 3, 2020, without leave to reapply.**

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: April 28, 2020

Residential Tenancy Branch