



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Maxtrum Holdings Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: RPP, MNDCT, FFT

Introduction

In this dispute, the tenants seek compensation against their former landlord under section 67 of the *Residential Tenancy Act* (the “Act”), an order for the return of personal property under section 65 of the Act, and, recovery of the filing fee under section 72.

On March 25, 2020 the tenants applied for dispute resolution and a dispute resolution hearing was held on May 26, 2020, which was adjourned to June 26, 2020 at 11:00 AM.

The landlord’s agent (the landlord is a corporation) attended the hearing. Neither tenant attended the hearing, which concluded at 11:13 AM.

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. Given that the tenants failed to attend the hearing, they have not met the onus of proving their claim and as such their application is dismissed without leave to reapply.

I further note that, in the Interim Decision dated May 26, 2020, I ordered the tenants to “submit a one-page, single-spaced, written submission outlining the particulars of their claim for compensation in the amount of \$9,800.00. This submission must be submitted before the next hearing.” No such written submission was provided to the Branch in advance of today’s hearing.

Conclusion

I dismiss the tenants' application without leave to reapply. This means that the tenants are not permitted to file any further applications for dispute resolution relating to either the return of their personal property or to compensation related to the tenancy.

This decision is final and binding, except where permitted by law, and is made on authority delegated to me under section 9.1(1) of the Act.

Dated: June 26, 2020

Residential Tenancy Branch