



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDCT

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the "**Act**") for a monetary order for compensation for damage or loss under the Act, regulation or tenancy agreement in the amount of \$15,286 pursuant to section 67. The tenants did not attend this hearing, although I left the teleconference hearing connection open until 1:40 pm in order to enable the tenants to call into this teleconference hearing scheduled for 1:30 pm. The landlord's property manager ("**DL**") attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. 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 DL and I were the only ones who had called into this teleconference.

Rule of Procedure 6.6 states:

6.6 The standard of proof and onus of proof

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 party making the claim. In most circumstances this is the party making the application.

This is the tenants' application. As such, they bear the onus to prove their claim. As they failed to attend the hearing, I find that they have failed to discharge their evidentiary burden to prove that they are entitled to the order sought. Pursuant to Rule of Procedure 7.4, they or their agent must attend the hearing and present their evidence for it to be considered. As this did not occur, I have not considered any of the documentary evidence submitted by the tenants to the Residential Tenancy Branch in advance of the hearing. I dismiss the tenants' claim, 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: June 2, 2020

Residential Tenancy Branch