



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding TPM Properties Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPT

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution ("Application") under the *Residential Tenancy Act* ("Act") for an order of possession of the rental unit for the Tenants.

An agent for the Landlord, A.B. ("Agent"), appeared at the teleconference hearing; however, neither of the Tenants attended. The teleconference phone line remained open for over 10 minutes and was monitored throughout this time. The only person to call into the hearing was the Agent, who indicated that he was ready to proceed. I confirmed that the teleconference codes provided to the Parties were correct and that the only person on the call, besides me, was the Agent.

In addition to the Tenants not attending the teleconference hearing, the Agent said that they had not served the Landlord with the Notice of Hearing documents or any documentary evidence. The Agent said that he found out about the hearing when the Residential Tenancy Branch ("RTB") emailed him the notice of hearing.

Rule 7.1 of the RTB Rules of Procedure ("Rules") states that the dispute resolution hearing will commence at the scheduled time, unless otherwise set by the arbitrator. The Respondent Agent and I attended the hearing on time and were ready to proceed, and there was no evidence before me that the Parties had agreed to reschedule or adjourn the matter; accordingly, I commenced the hearing at 9:30 a.m. on August 18, 2020, as scheduled.

Rule 7.3 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. The teleconference line remained open for

13 minutes; however, neither the Applicants nor an agent acting on their behalf attended to provide any evidence or testimony for my consideration. As a result, and pursuant to Rule 7.3, I dismiss the Tenants' Application without leave to reapply.

This Decision is sent to the Parties at email addresses provided in the Application, with the Landlord's email address confirmed by the Agent in the hearing.

Further, the Agent advised me of the Landlord's full name in the hearing, which was different than that identified in the Application. As such, I amended the Respondent's name in the Application, pursuant to section 64(3)(c) and Rule 4.2.

This Decision is final and binding on the Parties, unless 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: August 18, 2020

Residential Tenancy Branch