



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDL-S, MNDCL-S, MNRL-S, FFL

Introduction

This hearing convened as a result of a Landlords' Application for Dispute Resolution, filed on April 23, 2020, wherein the Landlords requested monetary compensation from the Tenant, authority to retain the security deposit and to recover the filing fee.

The hearing was conducted by teleconference on August 28, 2020 and continued on October 16, 2020. Both parties called into the hearing on August 28, 2020, however only the Tenant called into the hearing on October 16, 2020. The line remained open until 9:40 a.m. and the only participant who called into the hearing during this time was the Tenant. 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 Tenant and I were the only ones who had called into this teleconference.

The Tenant informed that he and the Landlords reached a settlement the week prior to hearing. He further informed that it was his understanding the Landlords would call into the hearing to confirm the settlement.

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.

While the parties may have reached a settlement outside of the hearing, the hearing was not cancelled. As the Applicants, the Landlords bear the burden of proving their claim on a balance of probabilities. As they did not call into the hearing on October 16, 2020, I dismiss the Landlords' claim 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: August 28, 2020

Residential Tenancy Branch