



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNDCT FFT

Introduction

The tenants sought \$36,000.00 in compensation under section 51(2) of the *Residential Tenancy Act* ("Act"). They also sought recovery of the \$100.00 application for dispute resolution filing fee pursuant to section 72(1) of the Act.

The tenants filed an application for dispute resolution on September 22, 2020 and a hearing was held on November 30, 2020. Both the landlord and a third party attended the hearing, which commenced at 1:30 PM. The third party, who had been named as a respondent landlord in the tenants' application for dispute resolution, was not, she explained, a landlord and was merely acting as the landlord's representative. Given that the third party was not a landlord I have amended the tenants' application by removing her name.

Pursuant to the *Rules of Procedure*, under the Act, an arbitrator is required to remain on the teleconference line for at least ten minutes after the start of the hearing. I, and the parties, remained on the teleconference hearing line until 1:40 PM, at which point the tenants had failed to attend. I then ended the hearing at 1:40 PM.

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.

As the tenants failed to attend the hearing, they have not proven their claim. Accordingly, having not proven their claim I dismiss their application for dispute resolution in its entirety without leave to reapply.

Conclusion

I dismiss the tenants' application without leave to reapply.

This decision is final and binding, and it is made on authority delegated to me under section 9.1(1) of the Act.

Dated: November 30, 2020

Residential Tenancy Branch