



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes AAT, LRE, OLC, FFT

Introduction

This hearing dealt with an Application for Dispute Resolution (the Application) that was filed by the Tenant under the Residential Tenancy Act (the Act), seeking:

- An order for the Landlord to comply with the Act, regulation or tenancy agreement;
- An order restricting or setting conditions on the Landlord's right to enter the rental unit;
- An order allowing them and their guests access to the unit or site; and
- Recovery of the filing fee.

This matter was set for hearing by telephone conference call at 9:30 A.M. (Pacific Time) on November 6, 2020, and was attended by the Respondent, who provided affirmed testimony. Neither the Tenants, who are the Applicants, nor an agent acting on their behalf, attended to provide any evidence or testimony for my consideration. Although the Respondent is not the landlord named in tenancy agreement submitted by the Tenants with the Application, they stated that they are the landlord as they recently purchased the tenanted property and took over obligations under the tenancy agreement as the landlord. Based on the affirmed and undisputed testimony of the Respondent and the fact that the Tenants listed the Respondent as their landlord in the Application, I accept that the respondent is the landlord and have therefore referred to them as the Landlord throughout this decision.

The Landlord stated that the Tenants have vacated the rental unit since the Application was filed as the result of a Two Month Notice to End Tenancy for Landlord's Use of Property. The Landlord stated that as they received no documentary evidence from the Tenants in support of the Application, they are unsure exactly what the basis for the Tenants' claims are. The Landlord stated that the Tenant's also failed to provide a forwarding address when the tenancy ended, stole items from the property and caused

damage to the rental unit and property. As a result, the Landlord stated that they did not expect the Tenants to attend the hearing.

The Notice of Dispute Resolution Proceeding states the date and time of the hearing, that the hearing will be conducted by telephone conference call, and provides the phone number and access code for the hearing. It also instructs participants that they are to call into the hearing themselves no more than five minutes before the start of the hearing. I confirmed that the details shown in the Notice of Dispute Resolution Proceeding were correct and note that the Landlord had no difficulty attending the hearing on time using this information. Although the line remained open while the phone system was monitored for 50 minutes, no one called into the hearing on behalf of the Tenants during this time.

Rule 7.1 of the Residential Tenancy Branch Rules of Procedure (the Rules of Procedure) states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. As the Landlord and I attended the hearing on time and ready to proceed and there was no evidence before me that the parties had agreed to reschedule or adjourn the matter, I commenced the hearing as scheduled at 9:30 A.M. on November 6, 2020. Rule 7.3 of the Rules of Procedure 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. Further to this, rule 8.1 of the Rules of Procedure states that the arbitrator determines when the hearing has ended.

Based on the above, and as the Applicants did not attend the hearing of their own Application by 10:20 A.M., I therefore dismiss the Application in its entirety without leave to reapply. At the request of the Landlord, copies of the decision will be mailed to them at the mailing address provided in the hearing.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: November 6, 2020

Residential Tenancy Branch