



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      ERP, FFT

This hearing dealt with an Application for Dispute Resolution (“Application”) by the Tenants seeking remedy under the *Residential Tenancy Act* (“Act”) for an Order for emergency repairs, and to recover the \$100.00 cost of their Application filing fee.

The Tenants were provided with a copy of the Notice of a Dispute Resolution Hearing on October 27, 2020; however, the Tenants did not attend the teleconference hearing scheduled for December 14, 2020 at 9:30 a.m. (Pacific Time). The phone line remained open for over 25 minutes and was monitored throughout this time. The only person to call into the hearing was the respondent Landlord’s agent, J.B., (“Agent”), who indicated that he was ready to proceed.

The Agent stated in the hearing that neither he nor the Landlord had been served with a Notice of Hearing or any Application documents for this proceeding by the Tenants. The Agent said he had called into the Residential Tenancy Branch (“RTB”), and was told about this hearing this morning.

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 Landlord/Tenant 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 December 14, 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 25 minutes, however, neither the Applicant 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.**

At the outset of the hearing, I asked the Agent for the Landlord’s name in this matter, as the Landlord identified on the Application included the Agent as a landlord as well;

however, this is different than that in the tenancy agreement. The Agent confirmed the owner's name in the hearing, so I have amended the Respondent's name in the Application, pursuant to section 64(3)(c) and Rule 4.2.

### Conclusion

The Tenants' Application is dismissed without leave to reapply, as the Tenants or an Agent for the Tenants did not attend the hearing to present the merits of the Application. The Respondent Landlord's Agent did attend the hearing.

This Decision does not extend any applicable time limits under the Act.

This Decision will be emailed to the addresses provided by the Tenants in the Application and by the Agent during the hearing.

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: December 14, 2020

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Residential Tenancy Branch