



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes AS, OLC

Introduction

This hearing convened as a result of a Tenants' Application for Dispute Resolution, filed on October 22, 2020, wherein the Tenants sought an order that they be permitted to assign the tenancy as well as an Order that the Landlord comply with the *Residential Tenancy Agreement*, the *Residential Tenancy Regulation*, and or the residential tenancy agreement. In the details of dispute section, the Tenants indicated they were seeking an order prohibiting the Landlord from restricting their ability to receive mail at the rental unit or sell items online.

The hearing of the Tenants' Application was scheduled for 11:00 a.m. on December 15, 2020. The line remained open until 11:10 a.m. and the only participants who called into the hearing during this time was the Respondent Landlord and his son, E.D. 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 Respondents and I were the only ones who had called into this teleconference.

E.D. stated that they did not receive notice of the hearing from the Tenants, but rather were informed by staff at the Residential Tenancy Branch when they called the branch for information on another matter. He further confirmed they did not receive the Tenants' Application for Dispute Resolution, nor any evidence in support of the claims.

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.

As the Applicants, the Tenants bear the burden of proving their claim on a balance of probabilities. As the Tenants did not call into the hearing by 11:10 a.m., and the Landlord called in and was ready to proceed, I dismiss the Tenants' 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: December 15, 2020

Residential Tenancy Branch