



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      ERP

### Introduction

This expedited hearing was scheduled to deal with the tenant's application pursuant to the *Residential Tenancy Act* (the "Act") for an order for emergency repairs pursuant to section 33.

The applicant/tenants did not attend this hearing, although I left the teleconference hearing connection open until 9:40 a.m. to enable the tenants to call into this teleconference hearing scheduled for 9:30 a.m. 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 landlord and I were the only ones who had called into this teleconference.

The landlord was represented at the hearing by an agent, PG ("landlord"). The landlord testified that he was not served with the tenants' Notice of Expedited Hearing; the only way he discovered the tenants made an application was due to an inquiry made by him to the Residential Tenancy Branch regarding his own application for a notice to end tenancy for unpaid rent or utilities. A copy of the Residential Tenancy Branch's email regarding this hearing was provided as evidence by the landlord. Based on the undisputed evidence of the landlord, I find the landlord was not properly served with the tenants' Application for Dispute Resolution or Notice of Expedited Hearing.

The landlord testified that the tenants vacated the rental unit on January 5, 2020.

### Analysis

Based on the undisputed testimony of the landlord, pursuant to section 44(1)(d), I am satisfied the tenancy ended on January 5, 2020. As this tenancy has ended, the tenants' application does not disclose a dispute that may be determined under Part 5 of

the Residential Tenancy Act and pursuant to section 62(4), the tenant's application is dismissed without leave to reapply.

This decision 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: January 19, 2021

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Residential Tenancy Branch