



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFT, CNC, RP

Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution, made on November 3, 2020 (the "Application"). The Tenants applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order cancelling a One Month Notice to End Tenancy for Cause, dated October 28, 2020 (the "One Month Notice");
- an order for regular repairs; and
- an order granting the return of the filing fee.

The Tenants S.P. and T.S. attended the hearing at the appointed date and time. No one appeared for the Landlord.

The hearing was scheduled for 11:00 AM on January 25, 2021 as a teleconference hearing. The Tenants S.P. and T.S. attended the hearing at the appointed date and time. No one appeared for the Landlord. The conference call line remained open and was monitored for 12 minutes before the call ended. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the Tenants and I were the only persons who had called into this teleconference.

At the start of the hearing, the Tenants stated that they served the Notice of Hearing and their documentary evidence to the Landlord. The Tenants could not recall the date of service and provided no evidence in support of the mailing taking place.

Preliminary Matters

According to the Residential Tenancy Branch Rules of Procedure 3.1 (the "Rules of Procedure") Documents that must be served with the Notice of Dispute Resolution Proceeding Package;

The applicant must, within three days of the Notice of Dispute Resolution Proceeding Package being made available by the Residential Tenancy Branch, serve each respondent with copies of all of the following:

- a) the Notice of Dispute Resolution Proceeding provided to the applicant by the Residential Tenancy Branch, which includes the Application for Dispute Resolution;
- b) the Respondent Instructions for Dispute Resolution;
- c) the dispute resolution process fact sheet (RTB-114) or direct request process fact sheet (RTB-130) provided by the Residential Tenancy Branch; and
- d) any other evidence submitted to the Residential Tenancy Branch directly or through a Service BC Office with the Application for Dispute Resolution, in accordance with Rule 2.5 [*Documents that must be submitted with an Application for Dispute Resolution*].

According to the Rules of Procedure 3.5 Proof of service required at the dispute resolution hearing;

At the hearing, the applicant must be prepared to demonstrate to the satisfaction of the arbitrator that each respondent was served with the Notice of Dispute Resolution Proceeding Package and all evidence as required by the Act and these Rules of Procedure.

As no one attended the hearing for the Landlord, and the Tenants did not provide any evidence to demonstrate that they served the Landlord with the Notice of Hearing and documentary evidence, I dismiss the Tenants' Application with 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 25, 2021

Residential Tenancy Branch