



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPRM-DR, OPR-DR, FFL

### Introduction

This hearing convened as a result of a Landlords' Application for Dispute Resolution, filed on October 27, 2020 in which the Landlord sought an Order of Possession and monetary compensation based on a 10 Day Notice to End Tenancy for Unpaid Rent and Utilities, issued on October 14, 2020 (the "Notice") as well as recovery of the filing fee.

The hearing of the Landlord's Application was scheduled for teleconference at 11:00 a.m. on February 12, 2021. The line remained open until 11:10 a.m. and the only participant who called into the hearing during this time was the Tenant. 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 Tenant and I were the only ones who had called into this teleconference.

The Tenant called into the hearing. She stated that she was not informed of the hearing until she received a letter from the Residential Tenancy Branch informing her of the hearing date. She confirmed that the Landlords did not serve her with the Application, their evidence or notice of this hearing. She further confirmed she vacated the rental unit by December 1, 2020.

### 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 Applicant, the Landlords bear the burden of proving their claim on a balance of probabilities. As the Landlords did not call into the hearing by 11:10 a.m., and the Tenant called in and was ready to proceed, I dismiss the Landlords' 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: February 12, 2021

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Residential Tenancy Branch