



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNL, RP, OLC, FFT

### Introduction

This hearing convened as a result of a Tenants' Application for Dispute Resolution, filed on March 11, 2021 wherein the Tenants sought the following relief:

- an Order canceling a 2 Month Notice to End Tenancy for Landlord's Use;
- an order that the Landlord:
  - make repairs to the rental unit; and,
  - comply with the *Residential Tenancy Act*, the *Residential Tenancy Regulations*, and/or the residential tenancy agreement;
- recovery of the filing fee.

This matter was set for hearing by telephone conference call at 1:30 p.m. on this date. The line remained open until 1:40 p.m. and the only participant who called into the hearing during this time was the Landlord's legal counsel. 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's legal counsel and I were the only ones who had called into this teleconference.

Counsel for the Landlord confirmed the Tenants vacated the rental unit in April of 2021 pursuant to an Order of Possession granted April 15, 2021. The file number for that matter is included on the unpublished cover page of this my Decision.

### Analysis and Conclusion

Hearings before the Residential Tenancy Branch are conducted in accordance with the *Residential Tenancy Branch Rules of Procedure*. Rules 7.1, 7.3 and 7.4 address the requirement of a party to call into the teleconference hearing and read as follows:

### **7.1 Commencement of Hearing**

The hearing must commence at the scheduled time unless otherwise decided by the arbitrator.

### **7.3 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.

### **7.4 Evidence must be presented**

Evidence must be presented by the party who submitted it, or by the party's agent. If a party or their agent does not attend the hearing to present evidence, any written submissions supplied may or may not be considered.

As the Applicants, the Tenants bear the burden of proving their claim on a balance of probabilities. In the absence of any evidence or submissions from the Tenants and in the absence of the Tenants' participation in this hearing, I dismiss the Tenants' claim without leave to reapply. I make no findings on the merits of this matter.

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: June 21, 2021

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Residential Tenancy Branch