



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNDCT, FFT

### Introduction

This hearing was convened as a result of the Tenants' Application for Dispute Resolution, made on February 26, 2021 (the "Application"). The Tenants applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order to provide services or facilities required by tenancy agreement or law;
- a monetary order for damage or compensation; and
- an order granting recovery of the filing fee.

The hearing was scheduled for 1:30PM on July 16, 2021 as a teleconference hearing. The Landlords appeared at the appointed date and time. No one appeared for the Tenants. The conference call line remained open and was monitored for 20 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 Landlords and I were the only persons who had called into this teleconference.

Rule 7.1 of the Rules of Procedure states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. As the Landlords and I attended the hearing on time and ready to proceed and there was no evidence before me that the parties had agreed to reschedule or adjourn the matter, I commenced the hearing as scheduled at 1:30PM on July 16, 2021.

Rule 7.3 of the Rules of Procedure states that if a party 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 reapply. As neither of the Tenants nor a representative acting on their behalf attended the hearing to present any evidence or

testimony for my consideration regarding the Tenants' Application, I therefore dismiss the Tenant's Application in its entirety without leave to reapply.

The Landlords stated that the Tenants had made a previous application which contained the same claims as the current Application. The Landlords stated that the previous decision dated February 1, 2021 was corrected on May 7, 2021 to read that the Tenants' Application was dismissed without leave to reapply.

As such, the Tenants' current Application is *res judicata*, meaning that the matter has already been adjudicated upon and therefore, cannot be re-heard again.

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: July 16, 2021

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Residential Tenancy Branch