



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNETC, FFT

### Introduction

This hearing dealt with the tenants' application pursuant to the *Residential Tenancy Act* ("Act") for:

- a monetary order of \$30,750.00 for compensation related to a Notice to End Tenancy for Landlord's Use of Property, pursuant to section 51; and
- authorization to recover the filing fee for this application, pursuant to section 72.

While the respondent landlord and his lawyer attended the hearing by way of conference call, the two applicant tenants did not, although I waited until 1:41 p.m. in order to enable the tenants to connect with this teleconference hearing scheduled for 1:30 p.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, the landlord's lawyer and I were the only people who called into this teleconference.

The landlord confirmed that he owned the rental unit. The landlord confirmed that his lawyer had permission to speak on his behalf at this hearing.

Rule 6.11 of the Residential Tenancy Branch ("RTB") *Rules of Procedure* ("Rules") does not permit recording of a hearing by any party.

During the hearing, I explained the hearing process to the landlord and his lawyer. The landlord and his lawyer had an opportunity to ask questions. Neither the landlord nor his lawyer made any adjournment or accommodation requests.

The landlord's lawyer confirmed receipt of the tenants' application for dispute resolution hearing package. In accordance with sections 89 and 90 of the *Act*, I find that the landlord was duly served with the tenants' application.

Rule 7.3 of the RTB *Rules* provides as follows:

*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.*

In the absence of any appearance by the tenants, I order the tenants' entire application dismissed without leave to reapply.

I informed the landlord and his lawyer of my decision during the hearing. The landlord's lawyer confirmed his understanding of same.

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 22, 2021

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Residential Tenancy Branch