



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes ERP

Introduction

This hearing convened as a result of a Tenants' Application for Dispute Resolution, filed on July 11, 2021, wherein the Tenants requested an Order that the Landlord make emergency repairs to the rental unit.

The hearing of the Tenants' Application was scheduled for 9:30 a.m. on August 19, 2021. The line remained open until 9:42 a.m. and the only participant who called into the hearing during this time was the Landlord. 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 and I were the only ones who had called into this teleconference.

The Landlord confirmed that the Tenants vacated the rental unit on August 17, 2021.

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 I also note that as the Tenants have vacated the unit, their requests are no longer applicable, such that even in the event they had attended I would have dismissed their claim.

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: August 19, 2021

Residential Tenancy Branch