



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

MNDCT, CNR-MT, CNC-MT, OLC, FFT

Introduction

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

- A monetary award for damages and loss pursuant to section 67;
- more time to make an application to cancel the landlord's 10 Day Notice to End Tenancy for Unpaid Rent (the "10 Day Notice") pursuant to section 66;
- more time to make an application to cancel the landlord's 1 Month Notice to End Tenancy for Cause (the "1 Month Notice") pursuant to section 66;
- cancellation of a 10 Day Notice pursuant to section 46;
- cancellation of the landlord's 1 Month Notice pursuant to section 47;
- an order requiring the landlord to comply with the *Act*, regulation or tenancy agreement pursuant to section 62; and
- authorization to recover the filing fee for this application from the landlord pursuant to section 72.

This matter was set for hearing by telephone conference call at 9:30 am on this date. The line remained open while the phone system was monitored for ten minutes and the only participants who called into the hearing during this time were the respondent.

There was a previous decision dated May 14, 2021 under the file number on the first page of this decision arising from an *ex parte* Direct Request proceeding wherein the landlord was granted an Order of Possession and this tenancy was ended.

This application was filed with the Branch on May 31, 2021, after the tenancy was ended in the earlier decision.

The tenants have submitted no documentary evidence in support of their application, provided no copies of any Notices to End Tenancy they are disputing and no substantive submissions other than some typewritten sentences in their application.

Rule 7.3 of the Rules of Procedure 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 reapply.

Therefore, as the applicants did not attend the hearing by 9:40 am, and the respondent appeared and was ready to proceed, I dismiss the tenants' claim in its entirety without leave to reapply.

I find that the filing of an application for dispute for Notices to End Tenancy after a conclusive decision has been issued ending the tenancy to be a frivolous use of the dispute resolution system which wastes the limited resources of the Branch and inconveniences the other party. I find that any further filing of meritless application on the part of the tenants may result in the basis for a monetary award in the landlords' favour or a referral to the Compliance and Enforcement unit of the Branch and the issuance of administrative penalties.

Conclusion

The tenants' application is dismissed in its entirety without leave to reapply.

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: September 30, 2021

Residential Tenancy Branch