



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes**      Landlord: MNR-DR, OPR-DR, FFL  
Tenant: FFT, CNR

### **Introduction**

This was a cross application hearing that dealt with the tenants' application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- cancellation of the 10 Day Notice to End Tenancy, pursuant to section 46; and
- authorization to recover the filing fee for this application from the landlord, pursuant to section 72.

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

- an Order of Possession for Unpaid Rent, pursuant to sections 46 and 55;
- a Monetary Order for unpaid rent, pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenants, pursuant to section 72.

The landlord did not attend this hearing, although I left the teleconference hearing connection open until 9:40 a.m. in order to enable the landlord to call into this teleconference hearing scheduled for 9:30 a.m. Tenant D.F. attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses. I confirmed that the correct call-in numbers and participant codes had been provided in the Notices of Hearing. I also confirmed from the teleconference system that tenant D.F. and I were the only ones who had called into this teleconference.

Tenant D.F. was advised that Rule 6.11 of the Residential Tenancy Branch Rules of Procedure prohibits the recording of dispute resolution hearings. Tenant D.F. testified that he is not recording this dispute resolution hearing.

Tenant D.F. confirmed his email addresses for service of this decision.

Tenant D.F. testified that he could not recall how he served the landlord with this application for dispute resolution, it may have been regular mail, registered mail or in person. No proof of service documents were entered into evidence.

I find that tenant D.F. has not proved, on a balance of probabilities, that the landlord was served with the tenants' application for dispute resolution, in accordance with section 89 of the *Act*. The tenants' application for dispute resolution is therefore dismissed with leave to reapply.

Rule 7.1 of the Residential Tenancy Rules of Procedure states that the dispute resolution hearing will commence at the scheduled time unless otherwise set by the arbitrator. Rule 7.3 states that 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.

Based on the above, in the absence of any evidence or submissions from the landlord, I order the landlord's application for dispute resolution dismissed without liberty 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: November 02, 2021

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Residential Tenancy Branch